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Ninth session

SUMMARY RECORD OF THE 157th MEETING

Held at Headquarters, New York,
on Thursday, 25 January 1990, at 10 a.m.

Chairperson: Ms. EVATT

later: Ms. OESER

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Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Thailand (continued) (CEDAW/C/5/Add.51)

1. At the invitation of the Chairperson, Mrs. Masdit (Thailand) took a place at the Committee table.

2. Ms. ESCOBAR commended the representative of Thailand on the sincerity of her country's report but expressed concern at the number of reservations entered to the Convention. Since there was a great deal of discrimination against women in Thailand, she wondered what measures the Government was taking to meet that challenge. She would also appreciate an explanation of the statement on page 6 of the report that more time was needed to define the concept of discrimination.

3. Under Thai law, a woman must take her husband's name. Given that bigamy was still practised in Thailand, she wondered whether several wives taking the name of the same husband did not result in confusion. According to the report, the exercise of the rights provided for under the Thai Constitution was subject to considerations of national security. In that connection, she wished to know whether there were any political prisoners in Thailand and, if so, whether any of them were women.

4. Ms. AKAMATSU said that she had been impressed to learn that Thai women had obtained the right to vote in 1932. She would appreciate clarification of the fact that while equality of men and women had been made explicit in the 1974 Constitution, that equality was only implicit in the 1978 Constitution.

5. It was disappointing that the Thai Government had entered so many reservations, some of which concerned the most fundamental articles of the Convention. She doubted whether the latter reservations were compatible with the object and purpose of the Convention. She was glad that the Government intended to withdraw several of its reservations and hoped that it would do so as soon as possible.

6. She welcomed the establishment of the National Commission on Women's Affairs, which would contribute greatly to the advancement of women in Thailand.

7. Ms. WALLA-TCHANGAI said that, since discrimination against women continued in Thailand and since development could not proceed without the advancement of women, it was disappointing to see so many reservations to the Convention. She hoped that some, if not all of the reservations, would be withdrawn.

8. Ms. ILIC said that she appreciated the intention of the Thai Government to withdraw its reservations to the Convention. As she understood it, while Thailand had acceded to the Convention, ratification was still pending. She wished to know

(Ms. Ilic)

when ratification would actually take place, since that step was necessary before national legislation could be amended and reservations could be withdrawn.

9. While Thai women were to be commended for putting pressure on their Government to ratify the two human rights instruments directly concerning women, she hoped that they would also be able to persuade the Government to ratify other existing human rights instruments. Lastly, she would appreciate more information on the status of women refugees in Thailand.

10. Ms. CORTI commended the Government of Thailand for its honesty in describing the situation of women in that country. Although she had been shocked at reading the report, the statement made by the representative of Thailand had allayed some of her concerns and had left her feeling much more optimistic. She wished to associate herself with her colleagues' statements regarding the number of reservations to the Convention.

11. The National Commission on Women's Affairs was composed of representatives from the various ministries and two representatives from non-governmental organizations concerned with women's issues. She wondered why only two NGOs were represented and how those particular NGOs had been chosen. She wished to know what criteria the Prime Minister had used in appointing the other members of the Commission. She would also appreciate clarification as to whether women's organizations could be led by men.

12. Given that women still had limited influence over policy decisions concerning women, she wondered whether the Government was taking measures to rectify that situation. Furthermore, was the Government certain that it would be able to put into practice its plans to promulgate many new laws for the advancement of women? She was particularly interested to know whether the Government planned to revise the current Constitution in order to provide specifically for equality between men and women, rather than merely referring to equality for all persons.

13. The CHAIRPERSON invited the Committee to consider the report with reference to individual articles of the Convention.

Article 2

14. Ms. PILATAXI DE ARENAS asked whether it was possible for laws that discriminated against women to exist in Thailand. Furthermore, she wondered why the provisions of the Convention had not yet been implemented by means of national legislation.

15. She wished to know why the provisions of the Criminal Code concerning sexual aggression included an age limit of 13 years for females. Was aggression against girls older than 13 treated as violence against women? Was the Government working on a campaign concerning violence against women?

READEX FICHE

(Ms. Pilataxi de Arenas)

16. She would appreciate clarification as to exactly which laws under Thai national legislation were not in keeping with the Convention.

17. Ms. GUAN MINQIAN expressed the hope that the reservations made by the Thai Government would be withdrawn in the near future. With respect to article 2, the repeal of certain discriminatory laws in recent years demonstrated that progress was being made in the legislative area. Women were now free to become public prosecutors and judges; she would appreciate statistics on the number of women in those professions. The Criminal Code included various provisions against sexual assault and the abduction of girls aged 13 years and under, and the representative of Thailand had indicated that the maximum age in such cases had been raised to 15 years. In her opinion, those measures were inadequate and further measures were needed for the protection of young women.

18. Ms. ALFONSIN DE FASAN said that while she was concerned at the number of reservations made by the Thai Government, she was encouraged by its intentions and its detailed plans for the advancement of women. Legislation was nevertheless essential to any real advancement and she hoped that the Government would ensure that its national legislation was brought into line with the Convention.

19. Ms. Oeser took the Chair.

20. Ms. FORDE said that accession to a convention, followed by a frank and detailed report, demonstrated the commitment of a Government to fulfilling its promises. The Thai Government was to be commended for that. She wished to associate herself with those Committee members who had expressed concern at the number of reservations, in particular the reservations made to articles 10, 11, 15 and 16. She was certain that the Thai Government was giving serious consideration to withdrawing its reservations. She agreed with Ms. Guan Minqian regarding the maximum age for female children covered under the Criminal Code provisions concerning sexual aggression. Stricter legislation and other measures, such as educational programmes, were required.

Article 3

21. Ms. ESCOBAR requested further information on the practical application of the various laws relating to women. She also wished to know what progress had been made in decreasing the infant mortality rate.

22. Ms. GUAN MINQIAN requested more detailed information about the progress made with respect to the Fifth and Sixth National Economic and Social Development Plans.

23. Ms. CORTI said that further information would be welcome on the educational aspects of the Fifth National Economic and Social Development Plan. Specifically what was meant by the development of morality, initiative and a spirit of leadership in women? One of the principal targets under the Twenty-Year Plan was for political parties to ensure that 30 per cent of their electoral candidates were women. She felt that such a target was rather ambitious.

Article 4

24. Ms. UKEJE said that, according to the report, the granting of paid maternity leave was based on how long the woman had worked for her employer. Such a provision was doubly discriminatory. It discriminated against women in general and it discriminated against younger women, who would of course have worked for a shorter period of time and who, because of their age, were more likely to become pregnant. She wondered whether women's organizations had rallied around that issue.

Article 5

25. Ms. ESCOBAR asked whether public schoolteachers received special training in human rights and non-discrimination and whether schools offered sex education.

26. Ms. GUAN MINQIAN said she would appreciate more information on the seminars and conferences held in Thailand with a view to modifying traditional attitudes towards women. What impact had those meetings had?

Article 6

27. Ms. ESCOBAR requested more detailed information on prostitution in Thailand.

28. Ms. ALFONSIN DE FASAN said she appreciated the report's frank treatment of the subject of prostitution. Women in Thailand were trapped into prostitution by a cycle of poverty.

29. Ms. SCHOPP-SCHILLING emphasized the need for detailed statistics on the extent of prostitution in Thailand. She would also appreciate data on the types of clients served by prostitutes - whether they were Thai men or foreign visitors. Was there a substantial flow of Thai women to European countries and did those women end up as prostitutes? If that was the case, she wondered whether the Government was taking any measures to rectify the situation.

30. Ms. SAJOGYO asked whether any recent measures had been taken to prevent younger women from migrating from rural areas to the cities and becoming involved in prostitution. She would also appreciate detailed statistics on the number of women currently working as prostitutes in Thailand.

Article 7

31. Ms. SCHOPP-SCHILLING asked whether the Government or any political parties had considered establishing a quota for women Members of Parliament. What was the explanation for the small number of women in Parliament? To what extent did women parliamentarians support the advancement of women? Lastly, she wished to know whether women's organizations were advocating legislative reforms and, if so, whether they needed support in order to become a stronger lobby.

32. Ms. AKAMATSU said that while it was regrettable that there was considerable discrimination against women in the political arena, she appreciated the fact that some advances had been made. For example, the professions of public prosecutor and judge were now open to women. She would appreciate more information on both the position of sub-district officer and the qualifications for senators. Lastly, she hoped that the Government would withdraw its reservation to article 7.

33. The CHAIRPERSON, speaking in her personal capacity, asked whether the priorities of women's organizations were similar to those of the Government.

Article 8

34. Ms. AKAMATSU requested further information on the participation of Thai women in international life.

Article 10

35. Ms. ALFONSIN DE FASAN asked whether consideration had been given to producing text books which depicted women in modern roles.

36. Ms. PILATAXI DE ARENAS requested clarification of the reservation made to article 10, which seemed inconsistent with article 35 of the Thai Constitution guaranteeing the right to education for all citizens. The statistics provided by the Ministry of Education demonstrated the gap between males and females in education, particularly non-formal education. It was a matter of serious concern that a high percentage of Thai women were illiterate. Why was women's access to education so limited? What approach did teachers take to education for women?

37. Page 25 of the report made reference to discriminatory attitudes in the raising of male and female children. She wondered where such attitudes arose - in the government sector or in the male population? What did women think of that situation?

Article 10

38. Ms. TALLAWY reiterated her concern at the lack of equal opportunities for women in education.

39. Ms. AKAMATSU said that the reason for Thailand's reservation to article 10 was unclear. The explanation had been framed in terms of women's limited access to military and other institutions, but that could not explain the reservation to the article as a whole.

Article 11

40. Ms. SCHOPP-SCHILLING asked in which industrial sectors women were employed and whether those industries were female-dominated.

41. Ms. TALLAWY drew attention to page 29 of the report, which showed that there were problems in the agriculture, industry and service sectors. Women worked longer hours than men in agriculture and also received lower wages than men in industry because of discrimination. Discrimination affected pregnant women and undermined their job security. She wished to know what action was being taken to remedy those problems.

42. Ms. AKAMATSU welcomed the prospect of withdrawal of the reservation to article 11 (1) (b), but regretted that the report did not deal with subparagraphs (c), (d), (e) and (f). What measures were being taken to overcome discrimination against women in the areas referred to in those subparagraphs?

Article 12

43. Ms. AKAMATSU said that she would appreciate a description of the abortion system in Thailand.

44. Ms. ESCOBAR asked what measures had been, or were to be, taken in the area of family planning.

45. Ms. GUAN MINQIAN asked what the Government's attitude was to the fact that family planning and contraception still seemed to be considered the wife's responsibility. Did it encourage men to participate in family planning?

Article 13

46. Ms. AKAMATSU asked whether women experienced any problems in obtaining bank loans.

47. Ms. GUAN MINQIAN noted that the report stated that "the family nexus acts as a traditional form of social security" and asked what that meant.

Article 14

48. Ms. SAJOGYO drew attention to table 6 on page 28 of the report and noted that nearly three times as many women as men were listed as waiting for the agricultural season. What was the pattern of land ownership in Thailand and did women have the same rights to land as men? She would also like some information about the problems of female heads of household and the status of women in farm households.

Article 15

49. Ms. AKAMATSU said that, given the extreme importance of article 15, she welcomed the prospect of a withdrawal of Thailand's reservation to it.

Article 16

50. Ms. PILATAXI DE ARENAS said that it was incompatible with the Convention as a whole to have a reservation to article 16. The report referred to anomalies that might need further thought in the future, but what was required was immediate action. The Civil and Commercial Code must be duly amended. She wondered whether any practices still persisted that were incompatible with the fact that bigamy was no longer recognized by law, and what recourse women had when men infringed their rights.

51. Ms. AKAMATSU said that Thailand's reservation to the article as a whole was incompatible with the Convention. She urged it to revise its domestic law accordingly.

52. Mrs. Masdit (Thailand) withdrew.

Initial report of the Federal Republic of Germany (continued) (CEDAW/C/5/Add.59 and Corr.1 and Amend.1)

53. At the invitation of the Chairperson, Mrs. Lehr (Federal Republic of Germany) took a place at the Committee table.

54. Mrs. LEHR (Federal Republic of Germany), responding to points raised at the 151st meeting, said that she first of all wished to comment on the general remarks made by Committee members.

55. Upon ratifying the Convention the Federal Republic had entered just one reservation, to the effect that article 7 (b) would not be implemented because it conflicted with the second sentence of article 12 (a), paragraph 4, of the Basic Law of the Federal Republic. That provision of the Basic Law provided that women could under no circumstances bear arms. The provision, which had the support of the overwhelming majority of women in the Federal Republic, would not be amended. It was out of the question that women would bear arms at any point in the future. However, that did not constitute a limitation on the principle of the equality of men and women. Moreover, that did not rule out the possibility of opening up civilian employment opportunities for women in the Federal Armed Forces. There was therefore no possibility that the reservation entered in respect of article 7 (b) would be withdrawn.

56. Prior to ratification of the Convention by the Federal Republic, in the course of the political debate in the country on the issue of ratification there had been no fundamental opposition or differences of opinion. Since the Federal Republic's existing legislation had already largely been in keeping with the provisions of the Convention, no amendments to any legislation had been required in connection with ratification.

57. She wished now to comment on the Ministry for Youth, Family Affairs, Women and Health and on the various types of machinery designed to bring about equality of men and women, since several Committee members had requested further information on

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the Ministry, its structure, its various areas of competence and the manner in which it functioned.

58. The Federal Republic was a three-tier federal State, and the three tiers - the federal level, the Länder and the municipalities (or communes) - were largely independent of one another. At all three levels there were elected parliaments or representative bodies and governments or administrations. For a number of years now at all of the levels there had been special machinery designed to achieve equality. At the level of the Federal Government, the Ministry for Youth, Family Affairs, Women and Health performed the role of such machinery. The corresponding machinery of the Länder had two representatives on the delegation of the Federal Republic to the Committee's current session.

59. The Ministry performed a wide range of tasks. For each cluster of tasks there was a special department within the Ministry, for example, individual departments for youth, health, family affairs and also for women's policies. Those departments were all on an equal footing with one another and co-operated both with one another and with the special departments in other ministries. The women's department, which had been in existence only since 1986 and whose purpose was to promote the achievement of equality, was fully involved in the process of formulating objectives for the Federal Government and always participated in projects, planning and the preparation of legislation.

60. Where women's policy was concerned, the Ministry for Youth, Family Affairs, Women and Health had some very special areas of competence, which were described in the Federal Republic's report (CEDAW/C/5/Add.59, para. 52). For example, the Ministry had, firstly, the right to take initiatives, which meant that it could introduce bills even in the areas of competence of other ministries. Secondly, representatives of the Ministry were entitled to speak in the Bundestag (Lower House of Parliament) and the Bundesrat (Upper House of Parliament), as well as in the committees of those two bodies, in addition to any minister responsible for dealing with any particular issue. Thirdly, the Ministry had the right to call for the postponement of discussion of an issue, which meant that in the Cabinet (Ministerrat) it could call for the deletion of an item if it had not been sufficiently involved in the relevant preparations. Fourthly, all Cabinet proposals, particularly any bills, must indicate whether there were likely to be any implications where women's policy was concerned.

61. The Ministry also had its own separate legislative responsibilities in the area of women's policy, for example, in the case of the Maternity Protection Act and general measures for achieving equal rights.

62. When it was a question of the protection of women at their place of work, which fell within the area of competence of the Federal Minister of Labour, the Ministry for Youth, Family Affairs, Women and Health was involved in order to ensure that women's specific concerns were taken into account.

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63. The Ministry had a separate budget item for projects relating to women's policy. The appropriation in question had risen from 3.2 million deutsche mark in 1985 to over DM 15 million in 1990. That appropriation was also used for promoting women's associations and groups, for financing studies and models in the area of research on women, and for carrying out public relations activities.

64. However, in and of itself the figure of DM 15 million revealed very little, since projects relating to women were also financed from many other sources, such as the Ministry's general research budget or from funds for fighting the acquired immunodeficiency syndrome (AIDS), cancer, or drug abuse. Women also benefited from funds allocated for the implementation of policy on the elderly and the aged. The same applied where the other federal ministries were concerned. In addition, many billions of deutsche mark were allocated for the implementation of family policy, such as payment of the child-raising allowance, which had existed since 1986. The situation was the same at the level of the Länder and the municipalities, where there were special budget items for the financing of women's policy, as well as other items under which the funds in question also partly benefited women.

65. It could not be said that only women were employed in the machinery at the federal level and the level of the Länder for the purpose of achieving equal rights for women. In the women's department of the Ministry for Youth, Family Affairs, Women and Health (Ministry for Women), approximately 75 per cent of the posts were occupied by women and approximately 25 per cent by men. The Ministry considered it extremely important that men and women should work together in the endeavour to achieve equality.

66. The equal-rights offices at the federal level and of the Länder and the municipalities co-operated closely with one another. The Ministry for Women and the offices of the Länder convened a special conference twice a year. In addition, they co-ordinated their implementation of many specific projects on an ongoing basis. Moreover, the offices of the Länder were in constant contact with the municipal offices. As a result, a dense network had developed in the area of women's policy encompassing the entire three-tier structure.

67. Committee members had asked what complaints and requests were most frequently received by the equal-rights offices. Women who believed that they were victims of discrimination or who needed advice and assistance turned first of all to the offices of the municipalities and the Länder. Most of the problems in question related to employment, and advertising and difficulties encountered by foreign women were also often the subject of complaints. Many women wrote to the Ministry for Women with questions about pensions, health insurance, maternity leave and part-time employment in the civil service. Problems concerning women in prison were also raised. The complaints received often revealed problems and prompted the equal-rights offices at the federal level and of the Länder and the municipalities to seek corresponding solutions by means of administrative or legal steps.

68. She wished now to make some general comments on women's organizations and the women's movement in the Federal Republic. Women's organizations had a tradition dating from the middle of the nineteenth century. Today, they continued to act as

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advocates for women at all levels of society. The major women's organizations organized at the federal level had joined together to form the German Women's Council, which currently had 43 member organizations, representing over 10 million women. The women's groups of the political parties, the trade unions and the churches were also among the associations that were members of the German Women's Council. A leaflet providing further details on the Women's Council was available to Committee members in four languages. The Ministry for Women worked in close co-operation with the German Women's Council. It provided the Council's headquarters with financing in an amount of DM 700,000 per year. In addition, each year it sponsored approximately 100 events held by the Council's member associations, providing financing in an amount of approximately DM 400,000. At the level of the Länder and the municipalities there was an even greater number of women's associations, which had joined together in each Land to form women's councils.

69. In addition to the traditional associations, in the early 1970s a new movement, known as the autonomous women's movement, had come into being. That movement had formed, among other reasons, owing to the debate on abortion issues and had addressed such topics as violence against women and women's culture, at the same time as health issues and social-policy questions. Through projects it sought to identify possible new solutions. The women's movement did not project a monolithic image but, rather, mirrored a wide range of views and cross-currents. In recent years, its demands and analyses had in part been reflected in the programmes of the political parties and in policy at every level. The Ministry for Women also provided financial support for autonomous women's projects. Moreover, the governments of the Länder provided considerable support to women's groups regionally and locally. There was absolutely no question of a decline in the women's movement in the Federal Republic.

70. In the Federal Republic women had a wide range of opportunities to influence politics and the economy, by means of their contribution within women's associations or in women's groups and through their activities in the political parties and the trade unions. The number of women in the parties and in the trade unions, as well as in many women's associations, was growing.

71. She now wished to conclude her general comments by responding to the question on international activities at the European level. The evolution of the European Community towards a single market was of great significance for women in Europe. The European Community had so far adopted five guidelines on equal opportunity in employment and social security and had implemented two medium-term programmes of action. The Federal Republic was actively involved in developing a European women's policy in the European Community, for example, through its contribution within the Commission. The Federal Government was also making an active contribution in the context of the Council of Europe.

72. She wished now to respond to the specific points raised by Committee members under the individual articles of the Convention.

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73. In connection with article 2 (c), a Committee member had asked what penalties were possible in the event of violations of the principle of equal rights. In the event of discrimination constituting an infringement of the law the victim could have recourse through the courts. That applied, for example, in the case of infringement of labour laws. The equal-rights offices at the federal level and of the Länder and the municipalities could not impose any penalties, as the ombudspersons in the Scandinavian countries could. However, since they did form part of the administrative machinery, they had other ways in which they could take steps with a view to eliminating the underlying causes of discrimination. The manner in which they brought their influence to bear was often more effective than the imposition of penalties, because as a result comprehensive solutions that were helpful to many women were achieved.

74. Research played a very important role in the assessment of the situation of women, since many aspects of issues relating to discrimination against women required further investigation. Research results formed an essential foundation for devising political measures and for developing concepts. Committee members would find information on research projects that had been implemented in annex II to document CEDAW/C/5/Add.59/Amend.1.

75. She now wished to comment on the situation regarding discrimination by individuals, in connection with article 2 (e) of the Convention. The requirement laid down in article 3, paragraph 2, of the Basic Law concerning equal rights applied equally to German and foreign women. However, that provision had an immediate effect only where the relationship between the citizen and the State was concerned. It was applicable only indirectly where the relationship between individual citizens was concerned. However, such differences had no practical impact in the field of labour law. Paragraph 611 (a) of the Civil Code expressly prohibited employers from discriminating against employees on the basis of sex. All female employees, whether German or foreign, and all employers could invoke that provision.

76. In the procurement of employment, the State labour exchanges were obligated to ensure that there was no discrimination against women. However, owing to the contractual freedom of the employer, which was safeguarded by the Basic Law, the employer could not be forced to recruit an individual, whether male or female, proposed by a labour exchange. Accordingly, in the Federal Republic there was no such thing as an "allocation list" on the basis of which employers could be required to accept a candidate for a position.

77. In connection with article 2 (g), the Committee had requested further clarification of the legal situation regarding abortion. Paragraph 218 of the Penal Code provided in principle that abortion was a punishable offence. However, under certain circumstances abortion was not punishable, provided that the procedure was carried out by a doctor fully in accordance with medical requirements and when one of the four following indications was present: firstly, if there was a serious threat to either the life or the health of the woman concerned; secondly, if there was reason to fear severe physical or mental impairment of the child, with

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the result that it would seem unreasonable to expect the woman to continue the pregnancy to term (in such a case an abortion was permitted until 22 weeks after conception); thirdly, if the pregnancy had resulted from a sex crime (in such cases abortions were permitted until 12 weeks following conception); and, fourthly, if there was a risk of severe distress (in which case an abortion could be performed until 12 weeks following conception). The existence of the latter indication must be certified by a doctor, and counselling was required.

78. The legal situation that she had just described had existed since 1976. In 1974, by means of an amendment to the Penal Code, it had been specified that in the first 12 weeks of pregnancy abortion was not a punishable offence under any circumstances. However, in 1975 that amendment had been declared null and void by the Federal Constitutional Court. In 1976 the rules that she had just described had been introduced.

79. The provisions governing the treatment of abortion and implementation of paragraph 218 of the Penal Code varied from one Land to another. As a result, for the purpose of obtaining an abortion women either travelled from one Land to another or went abroad. There were, however, no statistics available in that connection.

80. In 1988, in the Federal Republic, 83,784 abortions had been recorded, 86.8 per cent of which had been justified by risk of severe distress and 8.9 per cent of which had been performed for medical reasons. In addition, there had no doubt been a far greater number of abortions that had not been reflected in the statistics. It was estimated that from 200,000 to 250,000 abortions were performed each year. However, not many sentences were handed down by criminal courts under paragraph 218 of the Penal Code. Somewhat more than a year ago a trial in the town of Memmingen, in which a doctor had been accused of violating paragraph 218 of the Penal Code, had attracted considerable public attention and given rise to much controversy.

81. The Federal Government was endeavouring to expand and improve the counselling and support provided to pregnant women and young mothers, particularly women in severe social distress and in conflict situations.

82. Special measures with a view to achieving de facto equality of men and women, under article 4 of the Convention, were a key area of the Federal Republic's women's policy. Naturally, there was resistance to special measures, but there was increasing recognition of the fact that such measures were necessary.

83. She had been requested to describe the measures taken by the Government to increase the involvement of women in politics. That was not so much a task for the State and the Government but, rather, more the responsibility of the parties and society at large. A major effort was, however, being made to increase the involvement of women in politics.

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84. There was no direct way of assessing to what extent the Guideline for the Promotion of Women in Companies, which had been prepared by the Ministry, had had an actual impact. In any event, an increasing number of companies had been implementing appropriate measures in recent years. Moreover, the trade unions were also beginning to include such measures in their collective wage agreements. There were now appropriate guidelines in the Federal Republic applicable to the specific conditions prevailing in small- and medium-scale enterprises. The Federal Government was currently preparing a report for the Bundestag on the impact of the Guidelines for the Professional Advancement of Women in the Federal Administration. It was likely that the report would show that there had been some progress, particularly where more senior posts were concerned. Precise figures would be published shortly.

85. She now wished to make a number of comments in connection with article 5 of the Convention. An endeavour was being made to influence public opinion with a view to eliminating prejudice. Emphasis was consistently placed on the need for both men and women to combine family responsibilities and work. It was important that both the child-raising allowance and child-raising leave were available to men and women on an equal basis. The foundation had thus been laid for men to assume family responsibilities. It must, however, be acknowledged that as yet only 2 per cent of fathers had availed themselves of child-raising leave. In 1988 a total of 1,800 fathers had taken such leave, in comparison with 281,000 mothers. Once again in 1988, the child-raising allowance had been paid to 9,000 fathers and to 662,000 mothers. It must also be recognized that the responsibility for raising children was still by no means divided equally between mothers and fathers. On the other hand, there were now signs that younger people were willing to discard stereotyped roles. The relationship between mothers and fathers was becoming more of a partnership, particularly in the case of couples where the mother worked outside the home.

86. Sex education was included in school curricula in virtually all the Länder and schoolchildren actually received sex education. The need for sex education, particularly information on family planning, was recognized.

87. Where gender stereotypes in school textbooks were concerned, in 1986 the Standing Conference of the Ministers of Culture of the Länder had laid down principles that would be implemented progressively.

88. Information on advertising in the media could be found in document CEDAW/C/5/Add.59/Amend.1. The various Länder had legislation governing broadcasting that required that programmes should not be discriminatory, should not endanger youth and should not glorify violence. However, censorship of programmes prior to their transmission was prohibited by the Basic Law. Programmes were monitored after transmission by special councils, on which all segments of society were represented. However, many programmes, particularly serials, disseminated very traditional images of men and women.

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89. In connection with article 6 of the Convention, she would now respond to points concerning prostitution and traffic in women. At both the federal level and at the level of the Länder, steps were being taken and experiments were being conducted with a view to enabling women to abandon prostitution. A research project on the motives for engaging in prostitution had been conducted in Berlin. In addition, self-help groups and counselling for prostitutes were being promoted. The precise number of prostitutes in the Federal Republic was not known. However, it was likely that owing to fear of AIDS the number had dropped somewhat.

90. There were now a number of counselling centres funded by the Government, either located in the Federal Republic or in the country of origin, for foreign women who had either been forced to engage in prostitution or had been the victims of "sex-tourism".

91. In the area of violence against women, a great number of programmes and forms of assistance had been developed both at the federal level and at the level of the Länder, for example, the rape hotline. As she had already mentioned at the 151st meeting, there were now more than 200 shelters for women. A bill that would make rape by spouses a punishable offence was currently before the Federal Government.

92. The Committee had requested information on the political parties' women's programmes, in connection with article 7 of the Convention. Topics relating to women were playing an increasingly important role for all political parties at congresses, conferences and party conventions. For example, guidelines on the new partnership between men and women had been adopted at the party convention of the Christian Democratic Union held at Essen in 1985. The Socialist Democratic Party had, for its part, adopted a number of decisions on equal rights and on quotas for women within the Party at its party conventions in 1986 and 1988. All party manifestos contained statements on policies regarding women.

93. The actual influence that women had on politics was growing. There was no indication whatsoever that that trend was being slowed down by a "conservative wave", as a Committee member had suggested.

94. She herself was somewhat sceptical about quotas in general. She believed that the influence of women in politics would continue to grow, even without quotas. Women in the Federal Republic held a variety of views on the usefulness of quotas. What was clear was that, in assessing the value of quotas, account must be taken of whether they were to be applied in politics, within political parties or in employment. Moreover, quotas - or targets, of which she very much approved - must always be considered in conjunction with measures to promote women.

95. In the trade unions women were underrepresented in senior positions, when account was taken of the proportion of trade-union membership that they represented. The relevant figures were set out in annex I to document CEDAW/C/5/Add.59/Amend.1. It must, however, be emphasized that one of the most important trade unions in the German Trade Union Federation (16 individual trade unions were currently members of the Federation) was headed by a woman. In the

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employers' associations, the number of women in senior positions was extremely low. There were, however, no figures available in that connection.

96. Where the judicial service was concerned, at the beginning of 1989 there had been a total of 17,627 judges, including 3,109 women (or 17.6 per cent). Out of a total of 3,759 public prosecutors, there had been 661 women (or 17.6 per cent, once again). Accurate statistics were available on the number of women in all areas of the judicial service. With regard to implementation of article 8 of the Convention, Committee members would find figures on women in the Foreign Service and employed in international organizations, as well as at the United Nations, set out in document CEDAW/C/5/Add.59/Amend.1.

97. In connection with article 9 of the Convention, she wished to explain that the amendment in 1970 of the existing legislation on nationality had not been linked to ratification of the Convention. However, the purpose of the amendment had certainly been to deal with an issue concerning equality. The amendment in question, which had been sponsored by the coalition Government of the time had made it possible for foreign men and women to acquire German nationality on an equal basis upon marriage to a German national.

98. She wished now to turn to implementation of article 10 of the Convention. Guidance counsellors encouraged young women to enrol on non-traditional courses of study. However, publicity campaigns to encourage such choices met with limited success, all the more so in that course selection was determined by a whole variety of factors that could not be influenced by either counselling or publicity campaigns. It had been established that both study and occupational preferences were determined in early childhood. In the Federal Republic grants were not awarded for specific subject areas, but according to other criteria. However, chiefly girls benefited from the relevant legislation.

99. Many girls still opted for typical "women's jobs". Both the Federal Government and the Länder were endeavouring by means of information campaigns throughout the Federal Republic to interest girls more actively in certain kinds of vocational training. Assistance was given to employers who provided training for girls in the areas in question.

100. Between 1977 and 1988 the number of female trainees in occupations held chiefly by men had in fact risen from 13,000 to approximately 62,000. However, women still accounted for only 8.4 per cent of the total number of trainees.

101. There were no figures on illiteracy. In the Federal Republic school attendance was compulsory, and appropriate steps were taken to ensure that the entire population attended school.

102. She wished now to respond to one of the points raised in connection with article 11 of the Convention. It could not be established with any degree of certainty why in the 11-year period from 1975 to 1986 the number of working women had risen by only 268,000, to approximately 9.9 million. No doubt many factors had

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played a role. Over the same period, the number of men in employment had even dropped by 1.8 per cent. In just two years, from 1986 to 1988, the number of working women had risen by a further 245,000, reaching the figure of 10,156,000.

103. Once again in connection with article 11 of the Convention, she wished to comment on possibilities for imposing penalties in the event of violations of the prohibition on discrimination in the area of labour legislation. Effective imposition of penalties for discrimination had proved problematic, particularly in the case of the rejection of female job applicants for reasons relating to discrimination. Invoking the European Court of Justice, in the past German labour courts had recognized claims for compensation in excess of those payable under the legal provisions in force. In 1989 the Federal Labour Court had recognized the legal decisions in question in principle. It regarded the rejection of female job applicants owing to bias as a violation of their right of privacy, normally justifying a claim for compensation equivalent to one month's salary.

104. With a view to making safeguards against discrimination in employment more effective, at the end of 1989 the Federal Government had introduced a bill providing for compensation payments equivalent to up to four months' salary. If at all possible, the bill would be passed by Parliament before the end of the current year.

105. In the context of article 11, paragraph 1 (d), of the Convention, she now wished to make a series of remarks on the issue of equal pay. Unequal pay was prohibited by law in the Federal Republic. Collective wage agreements and individual employment contracts that failed to comply with the law were null and void. However, in practice the principle of equal pay for equal work was still not sufficiently observed. The Federal Government was therefore conscious of its obligation under International Labour Organisation Convention No. 100 to continue to work towards de facto equal pay. However, State organs were subject to considerable constraints in that connection owing to the manner in which wages were set in the Federal Republic.

106. Remuneration levels were set chiefly by means of collective wage agreements. Both trade unions and employers were protected by the safeguards for autonomy in negotiating wages rates laid down in the Basic Law. The State had to confine itself to appealing to the sense of responsibility of the parties concerned.

107. However, problems relating to unequal pay did not arise so much in the context of collective wage agreements themselves but, rather, at the level of actual implementation. Particularly when it came to assessing the comparative value of work carried out by women and ranking such work in the appropriate wage group, the results were very likely to be disadvantageous for women. In cases where an employer remained unwilling even after the works or staff council had become involved to relinquish discriminatory remuneration practices, the only option open to the female employee concerned was to take the matter to the labour court.

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108. With a view to supporting women who were the victims of discrimination, trade unions and works or staff councils had taken appropriate action for the benefit of entire groups of women, calling for their integration into an appropriate wage group. Women had also been given assistance in taking appropriate legal action, where necessary. The forms of action in question had had the effect of increasing the public's awareness of problems relating to unequal pay.

109. Once again in connection with the issue of unequal pay, reference had been made to "light-work wage groups". If work was assessed solely on the basis of the amount of physical strength it required, discrimination against women was often inevitable. However, the Federal Labour Court had specified in a trend-setting decision that all factors must be taken into account in the process of identifying job characteristics as a basis for the establishment of wage groups. In accordance with that decision, stress, the effects of noise and the need either to stand or bend for extensive periods could be regarded as decisive factors. It was to be hoped that that decision would have the effect of further reducing discrimination against women in the area of remuneration. However, it was important that when new pay-scale classification criteria were developed, new ways of discriminating against women should not be created.

110. She would now comment on the issue of part-time employment, in connection with article 11 of the Convention. In the Federal Republic part-time employment was governed both by legislation and by collective wage agreements. The Recruitment Promotion Act 1985 contained the following improvements for part-time workers: where two special types of part-time work were concerned, namely, temporary employment and job-sharing, a number of safeguards for employees had been introduced; and in terms of labour legislation part-time employment had been placed on the same footing as full-time employment. As a result, employers could not offer part-time employees less attractive terms regarding, for example, hourly rates of pay, bonuses or pensions. However, the statutory social security schemes did not cover part-time workers whose total number of hours worked per week was below a given minimum level. In recent years the number of female part-time workers had risen, since many women regarded part-time employment as a way of combining family responsibilities and work.

111. Promotion opportunities remained unsatisfactory for women who worked part time. A likely contributing factor was that women who worked part time were still chiefly to be found in areas of employment where even women who worked full time were unlikely to be promoted. Career opportunities for women who worked part time would not improve significantly until employment opportunities calling for higher levels of skills were also offered on a part-time basis and, moreover, until more men worked part time. The Federal Government and the Länder were endeavouring to achieve that goal in the context of their own personnel policies and by means of appeals to employers and the private sector.

112. Once again in connection with the implementation of article 11 of the Convention, the Committee had expressed concern at the fact that the law denied women access to a total of 20 "training occupations". The purpose of the

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occupational prohibitions in question was solely to safeguard the health of women by prohibiting their recruitment for particularly dangerous and burdensome types of work, such as mining underground, work in blast-furnace and steel plants, and in the construction industry proper.

113. In future the prohibition on the employment of women in the construction industry proper would no longer apply. Women could be employed in that industry in the future, on the strength of a medical certificate stating that there was no reason why they should not carry out such work. As a result of the plan to authorize women to take up employment in the construction industry proper, women would be given access to 14 out of the total of 20 "training occupations" in question.

114. The Federal Government believed that the remaining six "training occupations" to which women continued to be denied access could not be opened to women for health reasons. Where mining underground was concerned, the Federal Republic was even obligated under an International Labour Organisation convention to prohibit the employment of women.

115. She wished to inform the Committee, in connection with article 11, paragraph 2 (f), of the Convention, that in 1988 the number of women involved in accidents at work had represented only 17 per cent of the total, a low figure when seen in the context of the number of women as a percentage of the total number of employed persons (40 per cent).

116. In connection with article 11, paragraph 1 (c), of the Convention, she now wished to take up the issue of measures for the benefit of women resuming work. In the Federal Republic a wide range of measures were being implemented with a view to preparing women for the resumption of gainful employment: firstly, returnees could avail themselves of the general counselling services offered by the employment exchanges; secondly, in the context of pilot experiments special counselling centres had been set up specifically for female returnees, which were financed by the Federal Government or by the Länder and which operated in co-operation with the equal-rights offices, the trade unions, business associations and entities responsible for implementing educational measures; thirdly, special transitional measures were taken for the benefit of female returnees in the context of pilot projects for the establishment of employment exchanges that would function as focal points in all the Länder; lastly, in addition, under the Employment Promotion Act, female returnees could avail themselves of retraining opportunities. Such retraining was provided, in co-operation with the employment exchanges, by trade union training facilities or by means of commercial training in the private sector.

117. Once again in connection with the implementation of article 11, she wished to discuss the issue of female unemployment. Despite all efforts in the area of the procurement of employment, counselling and numerous training measures, for many years now the level of unemployment among women had been two percentage points higher than that of men. Unquestionably, a contributing factor was that each year approximately 320,000 women re-entered the labour market, following a period in

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which they had not been gainfully employed. Another significant factor was that over 200,000 unemployed women were seeking part-time employment only, whereas, as at December 1989, only approximately 27,000 part-time jobs had been available. In view of that unfavourable situation, a greater supply of part-time positions would have the effect of relieving pressure on the labour market, almost exclusively to the benefit of women.

118. She would now comment, in connection with article 11 of the Convention, on the issue of women from East Germany who had settled in the Federal Republic. The large number of such women had given rise to a whole range of problems in the area of labour and social-security legislation. However, women as such were affected only to a minimal extent. For example, women from the German Democratic Republic who had settled in the Federal Republic and whose occupational background was in the construction industry proper, would not be able to exercise their occupation until the universal prohibition on such employment for women had been lifted.

119. With regard to legal arrangements to facilitate the combination of family responsibilities and work, which arose in connection with article 11, paragraph 2, she wished first of all to discuss the Maternity Protection Act. Six weeks before and eight weeks after confinement, female workers covered by the statutory health-insurance scheme received benefits from the insurance institution and from their employer that fully compensated them for their loss of wages. Since they remained employed during the period in question, at the end of that period they could, in principle, resume employment at the same place of work. Their absence had no disadvantageous effects on their employment status in legal terms.

120. Secondly, under the Federal Child-Raising Allowance Act, mothers or fathers who cared for their child themselves were entitled to payment of DM 600 per month until the child reached the age of 15 months. As from July 1990, such allowances could be drawn until the child reached the age of 18 months. Once the child reached the age of 7 months, the level of the child-raising allowance was adjusted downwards to take account of the income of the beneficiary and his or her spouse. While drawing the allowance, if he or she was employed the beneficiary was entitled to take child-raising leave, with a guarantee that he or she could return to the same job. An important point was that individuals on such leave could be employed for 19 hours per week.

121. Thirdly, for pension purposes, in the case of mothers or fathers who looked after their child during his or her first year of life, the 12 months in question were taken into account by the pension authorities as a "child-raising year".

122. Fourthly, the combination of family responsibities and work was facilitated, under the Employment Promotion Act, inter alia, by means of retraining measures. Many benefits provided in that connection depended on whether in the past three years the individual in question had carried out work subject to statutory insurance. In respect of either men or women who had cared for children, the three-year period was extended by a further five-year period to take account of each child cared for. Resumption of employment was thus facilitated following a phase in which the family had been given priority.

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123. In cases where either a mother or a father was unable, owing to the need to care for a child, to take part in a training course that required his or her presence for the entire day, under the Employment Promotion Act partial maintenance could be drawn during participation in part-time instruction.

124. With the exception of the Protection of Mothers Act, the legal provisions to which she had just referred applied equally to men and women, thus emphasizing that combining family responsibilities and work was not of concern only to women.

125. A point concerning the supply of and demand for places in child-care centres had been raised, in connection with article 11, paragraph 2 (c). Child-care centres were a necessity for children from the age of three years onwards, particularly in view of the high number of only children in the Federal Republic. Only children accounted for 52 per cent of the total number of children, and 34 per cent of children had only one sibling. The Federal Government based its calculations on the assumption that a place should be available in a child-care centre for all children between three and six years of age, not only to make it easier for women to combine their job and family responsibilities, but also because it was beneficial for the children themselves. In 1987 there had been approximately 1.8 million children aged three to six years living in the Federal Republic. Places in child-care centres were available for approximately 70 per cent of the eligible children. However, the availability of places varied considerably from region to region. Moreover, only 12 to 15 per cent of the children in question were occupying full-time places. There were no figures for 1989. However, it was likely that owing to the slightly higher birth rate, and to the presence of children from families from the German Democratic Republic and from families of German ethnic background from other Eastern European countries that had settled in the Federal Republic, the situation had worsened somewhat. On the other hand, account must be taken of the fact that the Länder had stepped up their efforts to expand the number of places available in child-care centres.

126. With regard to the implementation of article 12 of the Convention, she would now respond to the points concerning health. In statistical terms, AIDS had a direct impact on fewer women than men. In October 1989 out of a total of 3,636 cases of people with AIDS, only 291 had been women. Out of that total number of 291 women with AIDS, 158 women had been drug addicts. However, frequently women were indirectly affected by AIDS as either mothers or partners of infected people. In the context of a variety of pilot programmes, the Ministry for Women had made provision for specific types of assistance for women, such as counselling and care. Such assistance had, for example, been provided under pilot programmes providing counselling in connection with AIDS and care and counselling for drug addicts infected by the human immunodeficiency virus, as well as under programmes known as "AIDS and children" and "AIDS and women". Furthermore, AIDS education specifically for women was being stepped up.

127. The extent to which women were specifically affected by drugs had not been investigated much as yet. Particular attention would be devoted to that issue under the Federal Government's drug control programme, and attention would also be

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paid both to prevention and to rehabilitation, counselling and assistance for female drug addicts.

128. Women who were from other cultures and spoke languages other than German needed care and counselling specifically geared to their situation. Appropriate services were being offered in several cities.

129. Of relevance to article 15 of the Convention was the issue of the value of work within the family. Housewives had joined together in a number of associations, particularly the German Association of Housewives and the German Housewives' Trade Union. For some time now the latter organization had been calling for "pay for housewives", but that demand had met with very little response. On the other hand, since the value of housework was sometimes underestimated by the public, in future the Federal Statistical Office would reflect the economic value of such work in its figures. In recent years, the Federal Government had taken major steps to upgrade the importance attached to housework and care of the family particularly by: taking account of periods of time devoted to raising children, also in the case of housewives, in a number of areas relating to social security and also in connection with the Employment Promotion Act; and taking account of home nursing in the Health Reform Act.

130. In conclusion, in connection with article 16 of the Convention, she wished to respond to the questions concerning marriage and the family. In Germany both divorced women and widows were able to retain pension rights acquired during marriage. Of the three matrimonial property régimes available, the statutory property régime of accrued gains was the one most frequently chosen. When a marriage came to an end as a result of either divorce or death of a spouse, property acquired in the course of the marriage was divided. Normally no problems arose in that connection.

131. Lastly, there were no official statistics on choice of a surname. On the basis of a survey conducted by the Federal Association of German Registrars in September 1988, it had been concluded that depending on the size of the city, town or municipality in question, from 1.5 to 5 per cent of all married couples had availed themselves of the opportunity provided by the law since 1976 to choose the woman's maiden name as the surname to be used by both husband and wife. Such instances were found more frequently in large cities than in rural areas.

132. Ms. Evatt resumed the Chair.

133. The CHAIRPERSON thanked the representative of the Federal Republic of Germany for replying to the many questions raised by members of the Committee. She, personally, would like more information on the policies being pursued to make it easier for women and men to share their family responsibilities, such as child care and care of the elderly. She would also welcome more information on programmes to encourage young girls to broaden their career choices. Lastly, she would like to know more about the situation of immigrant women in the Federal Republic of Germany.

134. Ms. TALLAWY said she was particularly pleased that the representative of the Federal Republic of Germany had referred to day-care centres and nurseries as a necessity for the child. Such centres should not be considered as budget outlays but as an investment in the future of the younger generation. Besides, women were more productive when they felt that their children were in safe hands.

135. Ms. UKEJE thanked the representative of the Federal Republic of Germany for replying to the many questions that had been raised. She hoped that any unanswered questions would be dealt with in a subsequent report.

136. Ms. LAIOU-ANTONIOU said that she was particularly interested in the intention of the Federal Republic of Germany to measure women's unpaid work which contributed to the gross national product. The International Research and Training Institute for the Advancement of Women provided assistance with such projects and she encouraged the Federal Republic of Germany to invite experts from the Institute to work with its national statistics offices. It would be a good idea to hold regional seminars to promote awareness of the issue. Without statistics, it was difficult for Governments to proceed with specific policies.

137. Ms. NOVIKOVA asked what criteria guided the Government of the Federal Republic of Germany in its selection of women to represent the country in international posts.

138. Mrs. LEHR (Federal Republic of Germany) said that the criteria which her Government used to select women for international posts would always be professional skills and competence.

139. With regard to the policies being pursued to make it possible for women and men to share their family responsibilities, her Government endeavoured, at every appropriate opportunity, to make it clear to fathers that they too were responsible for their children's upbringing. In that regard, research in the field of developmental psychology was of great assistance. The Federal Republic of Germany was also trying to change people's view that women were responsible for taking care of the elderly. "Family care" must not mean care provided by a daughter or daughter-in-law.

140. A question had been raised about programmes for young girls who were to be trained in spheres of employment previously dominated by men. In the early 1980s, her country had conducted a few pilot projects to train girls for such male-dominated occupations as auto mechanic and vehicle driver. Although the girls had obtained better test results, it had been difficult for them to obtain employment because people were unused to seeing women performing men's jobs, and they tended to have much more confidence in men. That showed that such programmes must go much further and promote the image of women as having the same competence as men in traditionally male professions.

141. The Federal Republic of Germany was studying the question of immigrant women very carefully, and information on that issue would be included in its next report.

142. The CHAIRPERSON said that the Committee had thus concluded its consideration of the initial report of the Federal Republic of Germany.

143. Mrs. Lehr (Federal Republic of Germany) withdrew.

Initial report of the United Republic of Tanzania (continued) (CEDAW/C/5/Add.57)

144. At the invitation of the Chairperson, Mrs. Mongella (United Republic of Tanzania) took a place at the Committee table.

145. Mrs. MONGELLA (United Republic of Tanzania) said that in order to implement the Convention effectively, Tanzania would have to develop the technical skills of its nationals, especially its women. It would also have to make Tanzanian society, particularly the decision-makers, aware of certain discriminatory practices, conduct a review of laws which discriminated against women, and disseminate information about discriminatory customs and practices.

146. Some members of the Committee had asked why Tanzania had ratified the Convention without any reservations. In signing the Convention, Tanzania had been quite aware that discrimination persisted in the form of certain social, cultural, religious and historical practices. However, the Government of Tanzania did not believe that entering reservations to some articles of the Convention would help to solve the problem of discrimination, which required practical solutions. Tanzania therefore intended to work systematically to eradicate the remaining practices which discriminated against women.

147. The Government had created a full-fledged department to deal with women's and children's issues. The department was staffed with trained personnel at all levels and was completely decentralized in order to reach women in rural areas. Every year, the Government allocated funds to it for recurrent and development expenses. Tanzania was thus strengthening its government machinery to ensure that women's issues were dealt with in a serious manner. The Government had completed the drafting of a policy on women in development in Tanzania, which would provide national guidelines for all issues concerning women. The governing party had begun a dialogue on population throughout the country in order to gather opinions and recommendations which would eventually be incorporated into a national population policy. In addition, the Umoja wa Wanawake wa Tanzania (UWT) had conducted a number of seminars with women on the issue of population.

148. The quota system was being used as a strategy to ensure that there were a minimum number of women at all decision-making levels. That system did not prevent women from seeking other seats in Parliament. All elections were open to both men and women.

149. The dowry system was not institutionalized by the Government but existed as a traditional and sometimes a religious practice. Although there was no legislation prohibiting that system, a degree of political pressure was being exerted to convince people to abandon it. As people of different tribes intermarried, the dowry system was in any case beginning to lose ground.

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150. With regard to the issue of schoolgirl drop-outs, Education Act No. 25 of 1979 provided for sanctions against parents who allowed and encouraged their children to drop out of school before completing elementary school. While the problem of schoolgirl drop-outs had not yet been solved, a number of non-governmental organizations had begun to provide assistance in that area.

151. No action had been taken to stop polygamy, despite the concern shown by UWT on the issue. Women's organizations tended to criticize women themselves for being willing to marry a man who already had a wife. Thus, women were, in large part, responsible for the persistence of that practice.

The meeting rose at 1.05 p.m.

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Ninth session

SUMMARY RECORD OF THE 158th MEETING

Held at Headquarters, New York,
on Thursday, 25 January 1990, at 3 p.m.

Chairperson: Ms. EVATT

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Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of the United Republic of Tanzania (continued) (CEDAW/C/5/Add.57 and Amend.1)

1. At the invitation of the Chairperson, Ms. Mongela (United Republic of Tanzania) took a seat at the Committee table.

2. Ms. MONGELA (United Republic of Tanzania), replying to the questions asked by the Committee, explained in reference to article 1 of the Convention that a law reform commission was currently deciding what laws needed amendment, being inconsistent with the Convention or outmoded, dating from the British colonial period. It was also working to abolish discrepancies between customary and common law. Several acts had already been passed to give effect to articles of the Convention. As regards plans to mitigate the effects of structural adjustment on women and the credit extended to them, the social implications of adjustment were under review as one of the key elements of future policy and the Forward-looking Strategies. The review would also be used as an opportunity to include budgetary provision for women in the fourth development programme.

3. A variety of steps had been taken to combat the high rates of mortality and morbidity among mothers; they related in the main to child survival, health, nutrition, family planning and the training of traditional birth attendants.

4. In order to give the Convention greater political currency, it had been distributed to Government and Party circles. It was being translated into Swahili, the national language, to make it readily accessible to the public. The Forward-looking Strategies had been treated in the same way.

Article 2

5. The 1971 Marriage Act derived from common law; it allowed women to dispose of property. In practice, women still faced difficulties in securing recognition of their rights; there were at present two legal aid groups where assistance was provided free of charge by volunteer women lawyers. The country also had a number of women judges and lawyers in governmental and non-governmental employ.

6. Anyone found guilty of discrimination against women was liable to disciplinary action. The Mukurasi and M'wejja affairs were cases in point.

Article 3

7. There were a number of organizations working to combat discrimination; the most important were the Social Service Department of the Party, which had served an important function by intervening on behalf of individual women in cases where the

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legal process was taking too long, and the Permanent Commission of Inquiry. Some cases of discrimination had been settled before the courts. On the subject of the Department of Women's Affairs, she referred the Committee to the information available in the report, adding that the Department encouraged the establishment of focal points within ministeries and the legal system.

8. The Constitution stipulated that land belonged to the State, but anyone working land could acquire it. Women were also allowed to own land and the only remaining difficulty was inheritance, since sons tended to inherit land.

9. Rape was against Tanzanian tradition and punishable, but women rarely complained because the legal process was an ordeal. Many rapes therefore went unpunished.

Article 4

10. The Government had taken steps to help women, particularly in the informal and small business sectors, to acquire technology and obtain credit. Women were given credit facilities, and could borrow from banks. They still faced physical difficulties owing to the distances involved, but the Department of Women's Affairs had tried to remedy matters by decentralizing lending institutions, setting-up women's desks at banks, easing lending conditions (lower rates of interest, waiver of collateral requirements) and setting up special revolving funds in collaboration with a variety of donors (UWT/DANIDA, UNIFEM, Australian Fund). She expressed her gratitude to the donors, but emphasized that those efforts were far short of satisfying the enormous need for credit. Co-operatives for rural women also existed, but they were few and still faced shortcomings in production, marketing and training.

Article 5

11. The legal age for marriage was 15 years for girls and 18 for men. Tanzanians were tending to get married later and later as they stayed at school longer. One task of the Ministry of Education was to draw up the curriculum for family life education in schools. Studies on the division of agricultural tasks between men and women had been conducted in several regions, revealing that women still did the bulk of the work. That was because the woman was considered responsible for the upkeep of the family, a task made difficult by economic underdevelopment. Women were encouraged by the culture to have many children, and that tended to bolster the high infant mortality rate; the Government was therefore emphasizing infant health and survival.

12. Men who got school girls pregnant were liable to punishment ranging from a fine to 5 years' imprisonment.

13. Family planning was not part of the school curriculum.

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14. FAO and UNICEF programmes had reduced the infant mortality rate, improved nutritional standards for families, extended vaccination coverage from 20 to 80 per cent over the past two years and helped to combat illiteracy, whose rapid disappearance was due to determined action by the Government. On the occasion of International Literacy Year, the Party had set itself the target of eradicating illiteracy entirely by the end 1990. No data were available on the percentage of housewives in comparison to women in paid employment; she stressed that the concept was not as clear-cut in Tanzania as in the West, and needed to be defined.

15. On the question on how Tanzania reconciled its ethnic and cultural traditions with the advancement of women, she said that the Government had always tried to ensure national unity while respecting the interests and beliefs of different groups.

16. Tanzania was not a member of the Inter-African Committee against Excision but had declared political war on the practice and almost entirely stamped it out in the few areas where it had been traditional. It was very difficult to give figures, since female circumcision was now only practised in secret. As prostitution was prohibited by law, it was very difficult to compile statistics. In view of the AIDS epidemic, the Government had intensified its efforts to halt the practice.

Article 8

17. In addition to UWT, there were several women's non-governmental organizations; associations of business women, women lawyers, doctors, teachers, nurses, scientists, etc. Most of them had sprung up in the wake of the United Nations Decade for Women and the Convention. UWT was a mass organization open to all women from the age of 18 onwards. It acted as an advisory body on women's questions to both the Government and the Party, and had considerable influence among the national leadership. The number of women on the Central Committee had declined when the total membership had: she was the only woman serving. Too many factors were involved to speak with precision of women's involvement in the political life of the country, but women were constantly encouraged to run for political office. It should also be noted that, when a woman was elected, much more was expected of her than of a man in the same position.

Article 9

18. Any child born in Tanzania of a Tanzanian mother or father automatically enjoyed Tanzanian citizenship, whereas a child born outside the country, even with a Tanzanian parent, had to apply for Tanzanian nationality. Women could not transmit their Tanzanian citizenship to their husbands, in contrast to the case of a Tanzanian man marrying a foreign woman. That situation needed to change.

(Ms. Mongela, United Republic of Tanzania)

Article 10

19. Children whose mothers were in prison took part in the regular educational programme and were cared for within the extended family, which remained strong in Tanzania. There were no specific figures for school enrolment of boys and girls, but available data indicated that, in general, more boys were enrolled than girls at all levels of education. Prior to the reform of the Education Act, the Ministry of Education had conducted studies on the reasons why girls dropped out of school.

20. Health services had been set up in the schools. School-girl deaths were largely due to normal tropical diseases that affected the rest of society as well. In that respect, there was no difference between girls and boys.

21. Statistics on vocational training, recruitment and fellowship programmes existed, but were available only in the ministries concerned. However, much remained to be done in that regard, particularly in the area of compilation, and external assistance would be valuable.

22. Adolescent girls who dropped out because of pregnancy were not readmitted to school because there were no facilities for young mothers. Furthermore, society did not approve of childbirth before marriage, and the expulsion of pregnant girls was considered to constitute a punishment and a lesson. The only provisions made for such girls were two limited programmes, one set up by a family planning association and the other by a private agency, both of which had been successful. Coeducation was not obligatory in schools. Schools were coeducational or single-sex depending upon the circumstances under which they had been established.

Article 11

23. The Government had taken concrete steps to eliminate discrimination in employment, as the report pointed out. No statistics were available, but, as a result of the Convention, interest in the problem was growing. Women's employment was increasing only slowly; that situat[illegible]as explained by the fact that they were involved largely in the informal sector f[illegible] which no figures were available.

Article 12

24. Many women were also employed in the health sector as nurses. The Ministry of Health did have data on that subject. Contraceptives were distributed free of charge to all women except schoolgirls. Unmarried women also benefited from those programmes. The coverage rate for all women was approximately 20 per cent, which was very low, and a programme had been set up in collaboration with UNFPA to increase coverage to 25 per cent. Women must obtain spousal permission to be sterilized, since the decision to have or not have children must be taken by both parents. As for men, attitudes were such that it was unthinkable that they might be sterilized. Contraception in Tanzania continued to be a women's issue, and the Government's major concern was in fact the protection of women's health. Abortion

(Ms. Mongela, United Republic of Tanzania)

was illegal except when the mother's health was endangered. The issue was a very sensitive one which touched upon religious problems; that was why an effort was being made to settle other, more pressing questions.

25. Life expectancy in Tanzania was relatively low owing to the inadequacy of health infrastructures, a situation which affected men and women alike and was associated with underdevelopment. In fact, women showed greater resistance to disease and lived slightly longer. There was absolutely no discrimination against women in the area of health: both men and women lived in difficult conditions and enjoyed the same health services.

26. As prostitution was illegal, there were no special health services for prostitutes.

27. As for traditional practices that might affect maternal health, some food taboos existed which precluded women's eating certain foods. According to some beliefs, which were in fact disappearing, such nutritious foods as eggs and milk were considered unsuitable for pregnant women and nursing mothers. Female circumcision, which jeopardized the health of women in childbirth, was also disappearing.

Article 13

28. Single women had the right to own land and access to credit, for when a father died, they assumed responsibility for the children. Likewise, there was no discrimination against married women where access to land and to credit was concerned. In a divorce, property acquired during the marriage must, under the Marriage Act of 1971, be divided equally between the two parties. In practice, women sometimes had difficulty in securing implementation of that law, but they managed to do so with the help of lawyers.

29. The Law Reform Commission was reviewing the inheritance law.

Article 14

30. Provision had been made to train women in modern technology. There was in fact a women's training centre. However, both technical support and the centre's budget were inadequate.

31. The evaluation of women's projects in rural areas was done by community development workers and other experts from the sectoral ministries. Whether or not such projects were ongoing depended on the way in which they had been designed. Occasionally, failures were the result of a lack of appropriate studies, resources and training.

(Ms. Mongela, United Republic of Tanzania)

Article 15

32. Tanzania had no family code per se, but a number of laws, such as the Marriage Act, the Penal Code and the Adoption Ordinance, did exist.

Article 16

33. Tanzania had no statistics on the number of households headed by women. Research in that area was hampered by a shortage of funds.

34. As for society's attitude towards divorce, it must be admitted that divorce was not easily accepted. In most cases, women encountered many difficulties in obtaining a divorce. As for the dowry system and day-care centres, she noted that her country sought to discourage the payment of dowries but ran up against long-standing traditions in that area; her country was, however, encouraging the establishment of child-care centres, particularly in the work-places. However, they were still far too few in number.

35. Finally, she said she hoped she had answered all the Committee's questions to the members' satisfaction. She reminded the Committee that implementation of the Convention also depended on international assistance, and she voiced an appeal to the international community in that regard.

36. The CHAIRPERSON, supported by Ms. TALLAWY, Ms. CORTI, Ms. PILATAXI DE ARENAS, Ms. LAIOU-ANTONIOU, Ms. DIALLO SOUMARE and Ms. GUAN Mingian, thanked the representative of the United Republic of Tanzania for the frankness of her presentation, which had enabled the members of the Committee to take stock of the progress achieved in Tanzania in improving the status of women.

37. Ms. TALLAWY welcomed the way in which Ms. Mongela had immediately identified the areas of questioning that had called for special emphasis, such as the level of technological development, human resources development, what must be done to heighten the awareness of public opinion and decision-makers, and the need to set up legal and information facilities. The representative of the United Republic of Tanzania had thus demonstrated the ties of co-operation which had been forged between the Committee and the representatives of Governments and the impact that the Committee was beginning to have on the practical implementation of the provisions of the Convention. Of course, much remained to be done, but the dialogue had been initiated. The international community must respond to the appeal made by the United Republic of Tanzania and support the country's efforts in that regard. A portion of the development assistance from countries such as the Federal Republic of Germany and the United Kingdom might be earmarked for projects to strengthen national machineries for women in developing countries.

38. Ms. CORTI said that Ms. Mongela had stressed that the situation of women could improve as soon as the necessary political will existed. The conception of reservations Ms. Mongela had set forth at the beginning of her statement could serve as an example to other countries. She also welcomed the importance Ms. Mongela had attached to external assistance for the development of her country because the development of developing countries could never be achieved only by their own efforts.

39. Ms. PILATAXI DE ARENAS said that Ms. Mongela's conception of reservations was very stimulating. The Committee could be pleased that, according to Ms. Mongela, all the questions raised had helped, and would help, the Tanzanian Government to ensure the implementation of the Convention, which showed that the Committee's efforts were not in vain. International organizations must support Tanzania's efforts to improve the situation of women.

40. Ms. LAIOU ANTONIOU said that the quality of Tanzania's delegation was a guarantee that the situation of Tanzanian women could only improve.

41. Ms. DIALLO SOUMARE joined her colleagues in asking the international community to support the action taken by Ms. Mongela in her country to improve the situation of women.

42. Ms. GUAN said that China, which had long enjoyed friendly relations with Tanzania, was well aware of the problems it had to face and was confident that the Tanzanian Government could solve them.

43. The CHAIRPERSON said that the Committee had concluded its consideration of the initial report of the United Republic of Tanzania and invited Ms. Chibwana (Malawi) to answer the questions that had been asked about her country's initial report.

Initial report of Malawi (continued) (CEDAW/C/5/Add.58 and Amend.1)

44. At the invitation of the Chairperson, Ms. Chibwana (Malawi) took a place at the Committee table.

Article 2

45. Ms. CHIBWANA (Malawi) recalled that her delegation had circulated to the members of the Committee a detailed information sheet on the National Commission on Women in Development. It showed that the Commission had been established in 1984 on the recommendation of the Information Seminar on National Machinery for the Integration of Women in Development, which was held in Malawi in 1982 and resulted in the establishment of a national body in which Government officials would examine the situation of women in the context of development, take an inventory of their priority requirements and formulate specific proposals and strategies to ensure the genuine participation of women in development. The Commission acted as a catalyst for the execution of women's projects organized by ministries, parastatal enterprises and non-governmental organizations in the following fields:

(Ms. Chibwana, Malawi)

agriculture, health, education, employment and social and community development. The Commission had established seven specialized committees on those different issues.

46. In response to the question as to whether there were any other women's organizations, she mentioned the existence of the League of Malawi Women, which was the women's wing of the sole political party, the Malawi Congress Party, and the Chitukuko Cha Amai M'malawi, a non-political organization, as well as many other national organizations that conducted programmes to improve the economic and social situation of women.

47. There were no penal provisions for discriminatory practices. It was the function of penal law, which made no distinction based on sex, to deal with those practices. Moreover, the National Commission on Women and Development had charged its legal committee to examine the laws that tended to encourage discrimination so that they might be repealed. In that context, she denied suggesting that the Government was about to repeal any particular law for being discriminatory.

Article 3

48. The League of Malawi Women, established by the Party, had enabled women to play an equal role with men in the formulation of national policies, at both the local and national levels. Some women had been sent to Parliament and others had become ministers. The ruling party examined issues of interest to women and formulated policies concerning them at its annual conventions.

49. In respect of social development, the Government had taken a number of initiatives to foster the social protection of women, including the establishment of the National Commission on Women in Development. Moreover, a number of non-governmental organizations and other national organizations were promoting the social progress of women by establishing specialized bodies for that purpose.

50. In respect of economic development, penal law guaranteed equality of opportunity for men and women. Women could thus seek redress through the courts for any discrimination, provided that they were aware of their rights in that area, in which the National Commission played an important role. In recent years a number of institutions had been established to promote the economic development of women and a number of ministries had established programmes aimed at promoting women's participation in profitable economic activities.

Article 4

51. She confirmed the existence of a 30 per cent quota for women in education within the context of temporary special measures aimed at accelerating de facto equality between men and women. Given the limitations in existing educational facilities, there was keen competition for school places at the secondary and tertiary levels. By guaranteeing 30 places for girls, the Government had sought to increase their chances for an education, but their total representation could also

(Ms. Chibwana, Malawi)

be higher than 30 per cent. In effect, the distribution of places at secondary and tertiary educational institutions discriminated in favour of women.

52. As to whether the traditional practices that had originally caused Malawi to make reservations to the Convention had been eliminated, she said that Malawi's withdrawal of its reservations did not mean that those practices had disappeared. The Malawi Government had decided that instead of leaving the elimination of those practices to evolutionary processes, it would take a conscious role in ensuring their speedy elimination.

Article 5

53. The Malawi Government's major measure for changing stereotypes of women was the educational system. Girls were invited to study subjects traditionally regarded as reserved for boys. To supplement the Government's efforts, support institutions had been established, such as the Malawi Entrepreneurship Development Institute, which offered vocational training courses in areas traditionally considered to be for men (electrical work, carpentry, watch repair and bricklaying). The media were also used to make the population aware of the need to change stereotyped attitudes towards women and to encourage women themselves to participate in those efforts, particularly by exercising professions previously reserved for men.

54. The words "women's noble calling" were intended only to recall that the Government was making every effort to eliminate customs based upon such stereotypes as the nineteenth-century European notion that a women should be a good housewife and give her husband as many children as she could.

55. Three-month maternity leave was guaranteed by an amendment to the regulations governing employment in the public sector, which did not fall within the category of general legal provisions. In other words, the private sector was not obliged under the law to provide that leave which the Government granted to its civil servants. Consultations had been initiated with the Employers' Consultative Association of Malawi to grant that benefit to all working women.

56. In a society such as that of Malawi it was difficult to obtain reliable data on instances of violence committed against women. Existing customs encouraged strict privacy and confidentiality relating to family matters.

Article 6

57. In order to eliminate prostitution among women, the Government had recently taken legislative action, the details of which were to be found in the report. Most prostitutes worked essentially as waitresses in bars. In order to eke out the pittance which they were paid, they had been driven to prostitution. The Government had therefore decided to limit the number of women who could be employed in any one bar and had made a minimum-wage mandatory. Measures had also been taken

(Ms. Chibwana, Malawi)

to deal with the more traditional forms of prostitution; those were not however widespread in Malawi.

Article 7

58. She explained that non-governmental organizations were a recent creation and were not numerous. Seven of them were active in women's affairs: the Christian Service Committee of Malawi; World Vision International; Save the Children Fund of Malawi; Save the Children Federation of the United States of America; the Muslim Association of Malawi; Banja La Mtsongolo (Family Welfare); and the Malawi Red Cross Society. It was estimated that about 90 per cent of the women belonged to women's organizations through their participation in the League of Malawi Women. In farmers' clubs, the percentage of women had risen from 17 per cent in 1984 to 30 per cent in 1988. There were currently no women Ministers but there had been at least five in the past. Although there was no quota for women in Parliament, in legislative bodies and local councils, women participated actively in such bodies. They represented 10 per cent of the membership of Parliament without taking into account their participation in the preparation of national policy as members of the League of Malawi Women. That organization was constantly on the alert to ensure that nothing interfered with the participation of women in public life, whether in the patrilineal system which existed in the north of the country or in the matrilineal system.

Article 8

59. Women had represented the Government as delegates or as leaders of delegations at international conferences, meetings and seminars. None held positions in any international organization where in fact there were fewer than 30 men in total.

Article 9

60. A child could acquire the nationality of its mother by descent when the latter was herself of African race and a Malawian citizen by birth at the time of her child's birth.

Article 10

61. Education played a very important role in a country where 45 per cent of the population was below the age of 15. In order to remove stereotyped concepts of the role of men and women, the Government was making full use of the mass media, of public meetings conducted by political leaders and of school advisory services. Indications were that more girls were beginning to take non-traditional subjects. In the field of family planning, the Government preferred the concept of child spacing, which was the subject of a programme designed to improve the quality of life of mother and child. Mothers were provided with information on how to space their children and to take responsible decisions about the number of children they wished to have. The programme was too recent for an evaluation to be made of its impact on fertility. It had met socio-cultural resistance which the Government was

(Ms. Chibwana, Malawi)

trying to overcome through information, education, the media and the organization of seminars and meetings at the local level. No statistics were available regarding the number of women who had undergone sterilization; the prior consent of the husband was required except in cases in which the woman's health was endangered.

Article 11

62. No data were available regarding unemployment among women. In the agricultural sector, 85 per cent of the women worked in subsistence farming. The number of births per woman was 7.5 but the child-spacing programme was only just beginning. The practice of polygamy was not current throughout the entire country and was in decline but it was a deep-rooted custom. In order to eliminate it, the economic and social and advantages of smaller family units must be stressed. She explained that the private sector, like the Government, offered social services to employees. On the other hand, most day-care centres were owned by Government but were open to all women. Some private companies paid for their employees' medical fees, including maternity expenses. Nobody, whether male or female, was discriminated against in employment on the basis of disease, including AIDS.

Article 12

63. There were three health clinics which provided pregnant women with the necessary nutrition. The infant mortality rate was 151 per thousand while the mortality rate for mothers was 16 per thousand. Traditional customs and practices which education was ending included one which prohibited pregnant women from eating eggs.

Article 13

64. The Small and Medium Scale Enterprise Committee of the National Commission on Women in Development had initiated consultations with lending institutions with a view to ending discrimination against women in obtaining loans. Positive results had already been achieved.

Article 14

65. In connection with the "Block Extension System", she explained that it was an adaptation of the "Train and Visit System" which was widely known to be successful in countries such as India and Thailand and had been highly recommended for developing countries by the World Bank. Malawi had introduced the system in 1981. Broadly speaking, it operated in the following manner: each extension worker was made responsible for eight blocks, each consisting of one or two villages. He visited farmers in each block once a fortnight, on a day and at a place agreed beforehand, in order to disseminate specific agricultural techniques. In each block he would pick out a model farmer who was following the recommended agricultural techniques. The extension worker devoted one day a week to his own training. In contrast to farmer's clubs, which consisted only of farmers who were sufficiently well-off to be able to seek and use credit, the block system was

(Ms. Chibwana, Malawi)

accessible to all, without distinction. The participation of women was, however, very low in both systems. The Ministry of Agriculture had therefore stipulated that those responsible for blocks should ensure that 50 per cent of all the farmers they reached should be women, in order to give women a chance to receive agricultural education. In reply to another question, she said that women were currently engaged in small-scale farming in their own right. In the commercial sector, women were running small businesses such as dressmaking and winemaking.

Article 16

66. Legislation gave unmarried women the right to bring suit to establish paternity and to request maintenance. Non-payment of maintenance was a penal offence which might lead to imprisonment. Divorce was regulated by the laws relating to the type of marriage contracted (African marriage, Asiatic marriage, customary marriage). In accordance with the right of succession, the will of the deceased spouse must be strictly implemented. If the husband died intestate, the right of succession provided for the distribution of his property in the following proportions: in the patrilinear system, one half to the wife and children, the other half to the heirs in accordance with customary law; in the matrilinear system, three-fifths to the heirs according to customary law, two-fifths to the wife and dependants. The heirs were not entitled to any share in the household belongings nor to the fittings of the house where the widow wished to reside. Moreover, account must be taken of all special circumstances, such as assistance required in the field of education and any contribution made by the widow resulting from her own initiatives. As already indicated, the different types of marriage were regulated by their own laws. The Government endeavoured to dissuade very young persons from marrying. Advisory services in schools and also political leaders stressed the dangers inherent in that practice.

67. The CHAIRPERSON said that the Committee had concluded its consideration of the initial report of Malawi. She thanked Ms. Chibwana for the very complete replies which she had given to the many questions raised, notwithstanding limited preparation time and means.

68. Supported by Ms. UKEJE (Rapporteur), Ms. GONZALEZ MARTINEZ, Ms. WALLA-TCHANGAI and Ms. DIALLO SOUMARE, she welcomed the announcement regarding the withdrawal of reservations and expressed the hope that Malawi would continue to demonstrate the same enthusiasm in implementing its programme of work which was oriented towards the promotion of rural women. She was convinced that the ratification of the Convention by Malawi would provide further inspiration and that, when the country's next report was presented, Malawi would have achieved substantial progress on the road towards the elimination of discrimination against women.

The meeting rose at 5.25 p.m.

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Ninth session

SUMMARY RECORD OF THE 159th MEETING

Held at Headquarters, New York,
on Friday, 26 January 1990, at 12 noon

Chairperson: Ms. EVATT

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Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 12.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

United Kingdom of Great Britain and Northern Ireland (CEDAW/C/Add.52 and Amends.1-4)

1. At the invitation of the Chairperson, Ms. Denham (United Kingdom) took a place at the Committee table.

2. Ms. DENHAM (United Kingdom) said that the United Kingdom supported the basic objectives of the Convention on the Elimination of All Forms of Discrimination against Women, and that many of her country's reservations had been declarations of its understanding of the purpose of the Convention. For example, paragraph (b), (p. 5 of the United Kingdom's report), to which Ms. Tallawy and others had referred was intended to make clear that the United Kingdom regarded existing legislation, such as the Equal Pay Act 1970 and the Sex Discrimination Act 1975, as appropriate measures for the implementation of the Convention.

3. The main reason for the length and complexity of the reservations and declarations was that the United Kingdom had felt that some of the Convention's provisions had been rather hastily drafted and were rather imprecise. It was clear that the drafters had envisaged a progressive implementation of the provisions of the Convention where such provisions could not be complied with immediately. However, unless a State made declarations or reservations upon ratification, it would be fully bound by all provisions of the Convention. The United Kingdom was therefore bound to enter reservations or declarations on the provisions which it could not implement immediately upon ratification, even if it intended to rectify its position within a short time.

4. Neither the hereditary peerage nor religious organizations nor women's non-governmental organizations had been "consulted" about the reservations which the United Kingdom had proposed to make. However, the views expressed by a number of non-governmental organizations had been taken into account at each stage of the ratification process, including the National Council of Women of Great Britain, the British Federation of University Women, CHANGE and the Responsible Society. There had been no representations from religious organizations. The Government's intentions to enter reservations concerning religious organizations and the peerage had been clearly stated in both Houses of Parliament in replies to parliamentary questions before ratification (in 1984 and 1985) and reflected the provisions of the Sex Discrimination Act, which made similar exceptions. That had given interested parties an opportunity to comment if they so wished.

5. Replying to the specific question raised by Ms. Ilić, she said that the United Kingdom's reservations to the provisions of the International Covenant on Civil and Political Rights regarding sex discrimination differed from those which it had made in the case of the Convention. The Covenant, unlike the Convention, dealt with many different aspects of civil and political rights and treated sex discrimination

(Ms. Denham, United Kingdom)

in a general way and in the context of other kinds of discrimination. Unfortunately, in its details the Convention was not always as precise as it might be, and it had been necessary for the United Kingdom to make quite extensive and detailed declarations of understanding and reservations to the Convention. However, there was nothing in them which was inconsistent with the United Kingdom's obligations under the Covenant.

6. Several members of the Committee had requested more information on the Ministerial Group on Women's Issues. The Group comprised a core of 13 Ministers covering a broad spectrum of key policy areas which affected women's lives. The Home Office Minister was chairman of the Group, and the Minister who was co-chairman of the Women's National Commission was vice-chairman of the Ministerial Group. Such an arrangement enhanced communication between women's organizations and the Government and ensured that reports on particular issues submitted by the Commission received full ministerial consideration. In areas where the views of the Commission and the Government differed, the Minister reported the views of the Commission to the Group.

7. Each Minister in the Ministerial Group on Women's Issues was responsible, within his or her department, for issues of special concern to women. The Group concerned itself collectively only with those issues which cut across departmental responsibility and required co-ordinated development and implementation. It was therefore not the role of the Group to co-ordinate and comment on every policy proposal as it was submitted to Cabinet. By means of reports from departments, the Group kept under review issues which it had considered. The Group drew up an agenda of issues to be considered and invited Ministers who were not permanent members of the Group to join it where a particular issue involved their departments.

8. The section of the Home Office with policy responsibilities for sex discrimination provided the secretariat to the Group. New posts had been created in the Home Office to deal specifically with the work of the Ministerial Group, and the secretariat had been given additional staff. The secretariat's role was to encourage, facilitate and assist the co-ordinated development and implementation of policy across departments. The networks of officials involved was therefore extensive. In particular, the network included officials of the Women's National Commission with whom the secretariat had close ties, thus ensuring more effective communication between women's organizations and the Government.

9. Ms. Schöpp-Schilling had asked specifically about the anti-discrimination guidelines which had been issued by departments based on the model guidelines agreed by the Ministerial Group. Those guidelines were intended to raise awareness of de facto discrimination as well as the principles of discrimination, and were being reinforced by specific training including a special course for senior staff at the Civil Service College. The course was not limited to personnel policies but sought to ensure that, at a very early stage, all officials were alert to the potential impact on women of all aspects of policy, so that action could be taken to avoid creating or perpetuating discrimination.

(Ms. Denham, United Kingdom)

10. Several members had raised questions about the Equal Opportunities Commission, particularly concerning its relationship with the central Government. In the United Kingdom, publicly funded non-governmental organizations retained operational independence. Although the Commission received its funding from the Government, it took its own decisions on the range of its activities and the deployment of its resources.

11. The Home Secretary appointed Commissioners to the Equal Opportunities Commission for Great Britain, and the Secretary of State for Northern Ireland appointed Commissioners to the Northern Ireland Equal Opportunities Commission. Both Commissions had a statutory duty to keep equality legislation under review and to submit proposals for reform, if required to do so or whenever they deemed it necessary, to the Government. The Commission's proposals for reform were issued as a public document, and members of Parliament could use the means available to them to submit proposed legislative changes. In practice, the Commission normally made its recommendations to Ministers.

12. In 1988, the Equal Opportunities Commission for Great Britain had submitted proposals for the reform of the Sex Discrimination Act 1975 and the Equal Pay Act 1970, including a proposal relating to clubs. Those proposals were under consideration, and the Home Secretary would respond in due course.

13. Ms. Laiou-Antoniou had asked about the Equal Opportunities Commission's regional structure. The Commission for Great Britain had offices in Glasgow, Manchester, Cardiff and London. In Scotland and Wales, the staff were supported by the Commissioner from that region. The Commission hoped to extend its regional structure and had made bids for extra funds from the Government to do so. The Equal Opportunities Commission for Northern Ireland was a separate body set up under separate legislation but with similar powers and duties.

14. Employment cases under the Sex Discrimination Act 1975 and cases under the Equal Pay Act 1976 were heard by industrial tribunals comprising a lawyer chairman and two lay members representing the two sides of industry. Normally, at least one of the tribunal members in a sex discrimination or equal pay case should be a woman, although that was not always possible. Complainants did not have to be legally represented. Cases dealing with non-employment matters - for example, education, housing and commercial matters - were heard by the County Court in England and Wales and by the Sheriff Court in Scotland.

15. All cases could be appealed up through the usual courts of appeal for Great Britain and, in cases involving European Community law, to the European Court of Justice. Legal aid was available for appeals and non-employment cases. In addition, the Equal Opportunities Commission had the power to provide financial and other assistance to women considering bringing legal cases.

16. She had not been able to obtain complete statistics on all cases brought in Great Britain since 1975. Full statistics would be provided at a later time. However, she was able to provide some information for 1987-1988, the last period for which information was available.

(Ms. Denham, United Kingdom)

17. Between April 1987 and March 1988, industrial tribunals in Great Britain had received 1,043 equal-pay claims, including a multiple application covering 719 claims. Eighty-nine cases had been settled without a tribunal hearing with the help of the Advisory, Conciliation and Arbitration Service, and a further 750 cases had been withdrawn by the applicant. Of the 204 cases which had had a tribunal hearing, 7 had been dismissed and 180 had been disposed of in other ways.

18. With regard to the breakdown for sex-discrimination cases during the same period, a total of 691 applications had been received by tribunals, of which 200 had been settled with the help of the Advisory, Conciliation and Arbitration Service, and 268 had been withdrawn for other reasons. Of the 223 which had proceeded to a hearing, 46 had been decided in favour of the applicant, 144 had been discussed and 15 had been disposed of in other ways.

19. For the calendar year 1988, in Great Britain 14 cases had been heard by the Employment Appeal Tribunal (6 of which had been assisted by the Equal Opportunities Commission), two cases by the High Court, four by the Court of Appeal (of which two had been assisted by the Equal Opportunities Commission and one had concerned an application for judicial review made by that Commission), and four (all assisted by the Equal Opportunities Commission) by the House of Lords, the highest national court of appeal. In 1988, the Equal Opportunities Commission had received 744 requests for assistance and had been able to give legal assistance in 269 cases and advice in 50 other cases.

20. The Northern Ireland legislation had come into effect on 1 September 1976. From that date until 31 March 1989, 55 equal-pay cases had been heard by industrial tribunals, of which 32 had been successful. The Equal Opportunities Commission for Northern Ireland had assisted 33 of the 55 cases, of which 25 had been successful. During the same period, six equal-pay cases had been heard by the Court of Appeal, all assisted by the Equal Opportunities Commission, and two cases had been successful. Three equal-pay cases had been heard by the Industrial Court, all successfully.

21. During the same period, 157 sex-discrimination cases had been heard by industrial tribunals, of which 101 had been successful. The Equal Opportunities Commission had assisted 137 of those cases, 97 successfully. Nine cases had been heard by the County Court, all assisted by the Commission, of which two had been successful. All six High Court cases had been successful (all but one assisted by the Commission). Of the seven Court of Appeal cases, one had been successful; the Equal Opportunities Commission had assisted that and three of the unsuccessful cases. The one case which had gone to the European Court of Justice, with assistance from the Commission, had succeeded.

22. Ms. Novikova had asked what authorities other than the Equal Opportunities Commission bore responsibility for sanctions under the anti-discrimination laws. The Equal Opportunities Commissions had limited powers of sanction only in relation to systemic discrimination by virtue of their formal investigation powers. Those against whom a non-discriminatory notice was issued had the right of access to the courts. The courts bore the major responsibility for enforcing the legislation.

(Ms. Denham, United Kingdom)

23. In cases concerning education, all complaints were stayed for referral to the Secretary of State for Education and Science in order to allow an inquiry to be made and the necessary steps taken, without the need for parents or students to pursue the case through the courts. Such a referral did not extinguish the right of access to the courts and, after a period of two months, if no reply had been received from the Secretary of State, the case would continue.

24. In 1989, a new voluntary organization, the Women's Legal Defence Fund, had been launched with the support of the Government, both legal professions and the Equal Opportunities Commission, among many others, in order to assist more women to bring complaints under the legislation. That organization existed to extend the advice given to women under the law by training non-lawyers (for example, union officials and advice workers) and to extend the number and regional distribution of qualified lawyers able to advise and act in such cases.

25. Regarding crimes committed by women, the main categories were theft, handling stolen goods, fraud, forgery, drug offences and prostitution. As with male offenders, the majority were dealt with in magistrate's court rather than being remanded in custody or released on bail pending trial by jury in the higher Crown Court. Few women were remanded in custody, but over 60 per cent of women remanded in custody - a much higher rate than for men - received a non-custodial sentence, and the reason why they had previously spent time remanded in custody was being investigated. 1988 Home Office guidelines had urged the granting of bail to women defendants.

26. The courts seemed to be sentencing far fewer female (3.7 per cent) than male (8.4 per cent) offenders to community service, perhaps because of the traditional view of community service as unsuitable for women. Consequently, the National Standards for Community Service Orders, in effect from 1 April 1989, provided guidance for the probation service and the courts, specifically stating that an attempt should be made to find suitable community-service work for female offenders, including those who were pregnant, and offenders with young children or other domestic responsibilities. If as a consequence the offender incurred special expenses, it might be possible to defray them. It was too soon to say whether the Standards had had the desired effect.

27. Some aspects of women's imprisonment gave rise to concern. For instance, proportionately more women than men were punished for disciplinary offences inside prison, and the issue was being discussed with individual prison governors. In addition, research was being done on the particular problems of mothers in prison and the physical and psychological development of babies in prison, one conclusion being that residence in a mother-and-baby unit did not significantly impair the development of babies. Areas where better child-care practice could be developed had been identified, however, and child-care experts in the Department of Health would monitor progress.

28. There was no evidence of discrimination against foreign women in prisons, although language and customs posed new challenges for prison staff. Many were in

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prison for drug-importation offences, however, for which the law mandated longer sentences than for other categories of offence: of the 305 such women in custody on 30 June 1988, 30 per cent were serving sentences of up to three years and 34 per cent, sentences of between 4 to 10 years. The foreign nationals were deported at the end of their sentences.

29. In relation to article 4 of the Convention, information had been requested on positive action in the United Kingdom. In order to encourage women to enter non-traditional areas of work, the Sex Discrimination Act exempted from its provisions special-access training for such work, and similar exemptions applied for other forms of encouragement, such as targeted advertising, although the Act explicitly forbade discrimination at the point of selection. Special training could also be given for those (predominantly women) returning to work after a period of discharging domestic responsibilities, and many such courses now existed. Other exemptions allowed positive action for women in respect of trade unions, political parties and some voluntary bodies.

30. With reference to article 5 of the Convention and activities that might be degrading to women, her Government favoured tightening the Obscene Publications Act 1959 to cover material grossly offensive to a reasonable person, the revision to be made on the basis of research on the effects of pornography. The test of obscenity under the 1959 Act was whether the overall effect of the material was to "deprave and corrupt", although the term was not defined. The courts, however, had held in 1972 that the words "deprave and corrupt" referred to the effect on the mind, including the emotions, and that it was not necessary that any physical sexual activity should result.

31. The Advertising Standards Authority had just completed a major study about women in advertising and would very soon be publishing a comprehensive report - a copy of which would be sent to the Committee - examining the extent to which complaints made to the Authority reflected attitudes held by the public at large. While over the years the Equal Opportunities Commission had emphasized promotional and educational work in the area of advertising, it had the power to bring legal action only where advertisements indicated an intention to discriminate unlawfully.

32. It was for local authorities through the cinema-licensing scheme to control the contents of films shown in licensed cinemas, and in general, they relied on the recommendations made by the British Board of Film Classification, which would not classify films that breached the criminal law.

33. It was for the criminal courts to determine whether a publication fell foul of the Obscene Publications Act 1959, whether the publisher should be convicted and whether the publication should be forfeited, while the police and the Crown Prosecution Service must consider whether there were grounds for prosecution. The police had powers to enter and search premises for obscene material and to seize it.

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34. With regard to women and the media, she had no detailed information on the number of women in broadcasting management. The responsibility for the recruitment of staff rested with the broadcasting authorities, the British Broadcasting Corporation and the Independent Broadcasting Authority, which were independent of the Government. It was also for them to judge the content of programmes, including the portrayal of women, in the light of Parliamentary directives and their own more detailed programme guidelines.

35. The Equal Opportunities Commission had taken cases to court on the advertisement of jobs under section 38 of the Sex Discrimination Act 1975, winning one of two such cases in 1988 and losing the second on a technical point of law that had been amended by the Employment Act 1989. In addition to the use of its exclusive legal powers, the Commission had issued guidelines on recruiting and advertising and related positive action.

36. Regarding the existence of sociological studies on the changes in public awareness of the role of women in the United Kingdom, the annual research journal British Social Attitudes covered attitudes towards gender equality and participation in the labour force.

37. In connection with article 6 of the Convention and the matter of sex-education programmes in schools, the Education (No. 2) Act 1986 gave school governors the responsibility to decide whether their school should provide sex education, and if so, what its content should be - subject, however, to section 46 of the 1986 Act, which required that sex education should encourage due regard to moral considerations and the value of family life. Guidance on that statutory position had been issued by the Department of Education and Science to schools, emphasizing that pupils should be helped to behave responsibly in sexual matters and appreciate the benefits of stable married and family life and the responsibilities of parenthood; and that teaching about the physical aspects of sexual behaviour should be set within a clear moral framework that underscored the risks of casual and promiscuous sexual behaviour. School governors must also satisfy the provisions of the National Curriculum of Science requiring that pupils must be made to understand the process of reproduction and the need for a responsible attitude to sexual behaviour.

38. With regard to rape, it was not possible to say for certain whether the increased number of recorded rapes reflected an actual increase in the number of rapes, because police recording of all allegations had become mandatory since 1986. The Government, acting on the recommendation of the Criminal Law Revision Committee, had decided against changing the law in order to make a man guilty of rape if his belief in a woman's consent was unreasonable - a change recommended by the Women's National Commission in 1981 - on the grounds that it would reduce rape to a crime of negligence. The Government was, however, not complacent about the situation and had, in its crime-prevention programme, issued guidelines on deterring crimes of violence, including rape. A Home Office Research Report on changes in rape offences and sentencing was being provided to the members of the Committee.

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39. In the United Kingdom, women's organizations had no standing in rape trials, and juries were, as usual, selected by random selection. There were no mandatory minimum sentences for sexual offences. Women's aid shelters for women who had suffered violence were eligible for financial support from local government and health authorities, and the Government provided an annual grant of £25,000 to the National Rape Counselling and Research Project, which worked on behalf of the rape crisis-centre movement.

40. The 1985 guidelines issued to Scottish police on dealing with complaints of sexual assault had been intended to ensure the well-being of the complainant and tactful police action. Inter-personal skills training was now at the core of all police training in the United Kingdom, and while it was difficult to evaluate its impact, the increased rate of sexual-assault reporting might indicate an increase in public confidence in police procedures.

41. With regard to prostitution, the Criminal Law Revision Committee had recommended in its seventeenth report that the current classification of offences should be replaced by three gender-neutral offences: organizing prostitution, controlling or directing the activities of a prostitute, and assisting a person to meet a prostitute for purposes of prostitution, punishable by imprisonment of seven years, three years and six months respectively. Proposals had also been made to reform the law on the use of premises for prostitution. In addition, a bill was currently before Parliament making it an offence for a man to solicit a woman for prostitution from a car, without requiring the application of the current tests of nuisance or persistence; the bill would also remove the legal presumption of the incapacity of boys under 14 to have sexual intercourse. There were no plans at the moment to introduce legislation on other major sexual offences.

42. There was no evidence of trafficking in women for the purposes of prostitution in the United Kingdom, and it would in any case be unlawful under section 22 of the Sexual Offences Act 1956, which made it an offence to procure a woman to become, in any part of the world, a prostitute or to leave the United Kingdom or her usual abode to become an inmate of a brothel. Section 23, furthermore, made it an offence to procure a girl under 21 to have unlawful sexual intercourse in any part of the world with a third person.

43. There were no specific programmes aimed at increasing other employment opportunities for prostitutes although they were, of course, eligible for the wide range of programmes intended to increase women's employment opportunities. There were also no plans for programmes to reduce the number of prostitutes. She had been unable to get a legal opinion on the question of the legal position of a prostitute's husband who lived off her immoral earnings, although it would appear that the wife could not be compelled to give evidence against her husband in court.

The meeting rose at 1 p.m.

UNITED NATIONS

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Ninth session

SUMMARY RECORD OF THE 160th MEETING

Held at Headquarters, New York,
on Friday, 26 January 1990, at 3 p.m.

Chairperson: Ms. EVATT

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Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of the United Kingdom of Great Britain and Northern Ireland (continued) (CEDAW/C/5/Add.52 and Amend.1-4)

1. At the invitation of the Chairperson, Ms. Denham (United Kingdom) took a place at the Committee table.

2. Ms. DENHAM (United Kingdom), replying to questions asked by members of the Committee, said, in connection with article 7, that the Hansard Society had just published a report analysing the obstacles to the promotion of women in public life and recommending actions to be taken, which the Government intended to follow up. The political parties, particularly those involved in selecting parliamentary candidates should also endeavour to do so. At present, there were only 41 women members of Parliament out of a total of 650, or 6.3 per cent. Some groups had set themselves the target of achieving 50 per cent representation.

3. In the judiciary, 43.8 per cent of the magistrates were women, but there were almost none among the senior judges. The situation should, however, improve with time, as more and more women were entering the legal profession and acquiring experience and would therefore be qualified to fill senior posts.

4. The proportion of women in the Civil Service was 49 per cent, but they were mostly concentrated in the lower grades; the Action Programme in effect since 1984 had led to improvement in the representation of women at senior management levels as well as in the scientific and technical branches, where they were underrepresented but their numbers were increasing steadily.

5. The number of persons working part time - of whom the majority were women - was also increasing at all levels. Departments were now able to offer up to five years' unpaid leave to staff wishing to take a career break in order to care for their children; since February 1989 the Departments were able to provide financial support for workplace nursery facilities. In addition, the number of holiday playschemes for the children of civil servants was increasing. In some places child care was also facilitated by the existence of child-minding schemes. Maternity leave had recently been increased to 14 weeks, and those concerned could, if they wished, take up to 52 consecutive weeks; a paternity leave of 2 days had also been introduced.

6. In order to accelerate the promotion of women, the length of service required in each grade to be eligible for promotion had been reduced to two years in 1989, and the effects of that change would be monitored; the new appraisal system based on the performance of candidates should also help to accelerate the promotion of women. Lastly, the number of posts restricted to either men or women had decreased since the restrictions applied to prison officer posts in England and Wales had been removed in 1987.

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7. With regard to the percentage of women obtaining public appointments, 30 per cent of the candidacies submitted to the Public Appointments Unit were now those of women, thanks to the action of the Women's National Commission, in co-operation with the Departments, and to the Women into Public Life Campaign. In order to ensure equal opportunity for women in the appointment procedures, guidelines to that effect had been issued in 1988 and widely circulated within Departments and public bodies.

8. Replying to a question concerning article 8, she said that diplomatic couples were in principle posted to the same city and that the appropriate allowances were then paid either individually or jointly. The Foreign and Commonwealth Office endeavoured to keep diplomatic staff fully informed of terms and conditions relating to their posts and any major changes made in them. In addition, a special booklet providing information on the rights and entitlements of staff was now being brought up to date. The Foreign Office also tried to apply to diplomatic staff useful initiatives undertaken in the Home Civil Service.

9. Special Unpaid Leave was available to men as well as women. It was counted towards promotion, although consideration on merit remained the basic criterion, but was not counted towards the pension scheme or other benefits. Replying to a question, she explained that special unpaid leave might be granted for up to a total of five years and could be taken all at once or in shorter periods. If such leave was granted in order to accompany a spouse serving overseas, where both officers were in the diplomatic service, the period of leave would not count towards the overall five-year allocation. The Foreign Office followed a policy of equal opportunity, was recruiting an increasing number of women and did not practise discrimination with regard to promotion. Replying to a question concerning how the contribution of diplomatic wives was honoured, she said that the only financial compensation offered at present was for time spent preparing official meals. She regretted that she was unable to provide any figures regarding the number of women nationals of the United Kingdom employed in international organizations.

10. Turning to article 9, she was glad to be able to confirm that since the preparation of the report many discriminatory provisions in relation to nationality and immigration had been repealed, including the temporary provisions contained in the British Nationality Act of 1981. Of the four discriminatory provisions mentioned in the report, the only one remaining was that concerning resumption of British citizenship. The rule favouring women in the transmission of citizenship to children born out of wedlock remained, as fathers, in those circumstances, could not always be safely identified.

11. With respect to immigration, four provisions discriminating against women had been abolished. The husbands of women settled in the United Kingdom would now be able to request admission to the United Kingdom on the same basis as the spouses of men settled in the United Kingdom. The entry tests were the same for men and women. Women employed in the United Kingdom now had the right to bring their spouses to the United Kingdom as their dependants; the two provisions concerning

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widowed daughters had also been repealed. The provisions relating to children between 18 and 31 were at present being reviewed. However, the rule relating to student immigration under which the husband of a female student was admitted to the United Kingdom without the right to work while the spouse of a male student was admitted without that restriction had been maintained because of the real danger the abandonment of that restriction would represent for the United Kingdom's economy.

12. As far as the number of women refugees in the United Kingdom was concerned, she could only provide total figures but would send the Committee gender-specific figures at a later date.

13. With regard to article 10, she replied to a question about government-sponsored facilities for children under five by noting that government expenditure in that area had increased by 50 per cent since 1980 and that the number of children served by maintained schools was growing. The Government had no specific policy on retaining single-sex schools or the teaching of certain subjects in a single-sex setting. However, there was still some demand from parents for single-sex education for girls. The Government itself was not financing any research projects to evaluate the effects of single-sex education, but the Equal Opportunities Commission had studied the teaching of science and engineering, and Her Majesty's Inspectors were currently conducting a study which compared the teaching of mathematics in single-sex and co-educational classes. While the Government had accepted the Cockroft report and supported a number of initiatives aimed at improving pupil achievement in mathematics, the Inspectors seemed to think that more radical changes were required in the approach to that subject. The Inspectors were also concerned about instances of latent, unintentional discrimination, referred to as the "hidden curriculum" in the report. All those issues would be covered in the new teacher training programme that was to begin in September 1990.

14. She took note of the Committee's interest in the many initiatives in progress and suggested that the next report should contain an assessment thereof. With regard to the education of ethnic minorities, outside the official curriculum intended for all children, which the Government constantly sought to upgrade, government aid was available for special educational projects to meet the needs of minority girls.

15. With regard to employment (art. 11), the fact that there was a high incidence of women working part-time did in fact detract from their significance in the national economy, but that was because many women wished to combine work with family responsibilities. The Government believed that women were free to make that choice and encouraged part-time work at all levels. Part-time workers received compensation in proportion to the number of hours worked, and their pension rights were calculated accordingly. They were also subject to the same conditions that applied to other civil servants. They were covered by legislation dealing with equal pay and measures which prohibited discrimination on the basis of sex or race. They did, however, have to work at least 16 hours a week in order to

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acquire, after two years of service, full rights to job protection; if they worked from 8 to 16 hours a week, they acquired the same rights only after 5 years of service. Women could automatically participate in the social security scheme once they earned at least £43 a week; otherwise, they could make voluntary contributions to the scheme and receive the child benefit unconditionally. Single parents earning less than £15 a week received a special supplementary benefit. Health care was free and available to all.

16. Several Committee members had expressed concern at the difference between men's and women's earnings. There were several reasons for that difference: (i) take-home pay was determined by the number of hours worked, but women undertook more part-time work and less overtime and shift work than men; (ii) women generally had less seniority than men; and (iii) women's qualifications were often at a lower level than those of men, something the Government sought actively to remedy by establishing a number of training programmes, taking other measures to expand women's career horizons and eliminating all discriminatory practices in schools. A whole series of programmes to encourage women to consider a much broader range of jobs, particularly in the sciences, and to take advantage of all the training opportunities available to them had thus been instituted. Those measures had had encouraging results: the number of women who had chosen careers in the sciences and engineering, for example, had already risen significantly.

17. The difficulties women encountered in the private sector and the extent to which such women were integrated had been studied in the Hansard Society report referred to earlier. The Government had joined with the British Broadcasting Corporation in sponsoring a major campaign to deal with the lack of self-confidence, a fairly common phenomenon among women. With regard to women who interrupted their careers, statistics showed that such periods of unemployment generally began with the birth of the first child, that the average age of such women in the United Kingdom was increasing and that the average length of such interruptions was diminishing (currently standing at 3.5 years).

18. The question had been asked whether employers ought to make provisions for child care; the Government of the United Kingdom believed that that responsibility lay primarily with parents, but that employers could certainly play a role by providing assistance to efforts by the State and voluntary organizations.

19. She would transmit the latest data regarding women's unemployment to any interested members of the Committee. Statistics in the United Kingdom were compiled in a slightly different manner from those of OECD and ILO. In any event, women's unemployment, like men's, had declined in recent months and continued to do so. With regard to the informal sector, including the informal sector in rural areas, national data covered only those persons who were claiming benefits and actively seeking work. Persons seeking employment in the informal sector were also included in unemployment statistics.

20. Her Government attached priority to reducing the number of long-term unemployed, which included a greater number of men. Nevertheless, the Government

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did not focus its efforts solely on reducing men's unemployment, but was taking many steps to provide women with employment opportunities as well. Generally speaking, the Government's policy of deregulation had encouraged women as well as men to create businesses and become self-employed.

21. The unemployment rate for ethnic minority women was lower (15.9 per cent) than that for men (17.4 per cent). Among other women, the rate was 9.2 per cent and among other men 10.1 per cent. No separate figures were available for immigrants.

22. Agricultural employment in the United Kingdom was covered by the same legislation as other employment, and measures to implement article 11 applied also to the agricultural sector. In that connection, the two Equal Opportunities Commissions, non-governmental organizations and trade unions were waging a major information campaign on women's rights.

23. A woman who thought she was unfairly dismissed because of pregnancy could bring a claim under the unfair dismissal provisions of the employment protection legislation. Under that legislation dismissal found to be on grounds of pregnancy would automatically be unfair. The person must, however, have a qualifying period of continuous service - currently two years for those who worked at least 16 hours a week. Otherwise, that person could bring a claim under the Sex Discrimination Act, which did not require a qualifying period of service. To prove that she was a victim of discrimination, the woman must show that a man in a comparable position, such as the need for an equally long leave to undergo an operation, would not have been dismissed. Taken as a whole, the United Kingdom legislation just described was compatible with the provisions of article 11.

24. It was true that in matters of job equality employers were not bound by law to respect the Code of Practice established by the Equal Opportunities Commission, but an increasing number of them did so.

25. As for trade union membership, employers had the right, when hiring, to ask for specific information in that connection. She did not, however, have any information as to whether trade union membership was helpful in recruitment. There were currently 1.3 million jobs that required trade union membership, but a new employment bill would make it unlawful for an employer to refuse anyone a job because they were or were not a member of a union. As to the participation of women in trade unions, 32 per cent of trade union members were women and six unions were led by women. No information was available on trade union membership among part-time workers or on the effect of drug addiction on the employment of women. Very few United Kingdom companies conducted drug tests. It was therefore unlikely that drug abusers of either sex were screened out at the recruitment stage. If it was known that they were, that could affect the employer's attitude but there was no hard information on that subject. Dismissal on the grounds of drug addiction was rarely likely to be justified unless it affected performance on the job. Under the legislation governing employment training, drug addicts of both sexes were entitled to training places.

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26. The restrictions on night work for women had been lifted in February 1988. She was unable to provide the statistics requested by a member of the Committee on women working unpaid in family enterprises. In respect of unpaid work in the home, it was unfortunately not possible to quantify its value in the same terms as those used to calculate gross domestic product. That was because national accounts were expressed in money terms and confined to those goods and services that were exchanged for money or to which monetary values could easily be assigned. That, of course, applied to men and to women.

27. As to differences between men and women in access to State benefits, they were mainly favourable to women. Firstly, the pension age was lower for women than for men (60 rather than 65 for men) and it varied according to the supplementary pension systems. But the rate of State pension was the same for women and men. Secondly, married women not entitled to a retirement pension could receive a reduced rate pension on their husband's records. No parallel right existed for men. Also, a woman's pension could not have any addition for an adult dependant. Thirdly, widows' benefits were available, but not widowers' benefits. Those differences reflected the past social and economic circumstances of women. The European Community had recognized the need for equal treatment in that area and women were exempted from the equal treatment directive on social security.

28. Mothers who stayed home to bring up their children or persons who stopped working to care for severely disabled relatives qualified under a system entitled Home Responsibilities Protection (HRP) and could get a full retirement pension. HRP could be awarded to any person receiving the non-income-related child benefit, or receiving income support to stay at home to look after an elderly or sick person, or regularly looking after someone receiving the attendance or constant attendance benefit for severely disabled people. The number of years of HRP was deducted from the number of qualifying years otherwise needed for a full retirement pension.

29. The social budget, far from shrinking, was growing. Social security expenditure, including social assistance, had increased in real terms from fiscal year 1981-1982 to fiscal year 1989-1990 by over 18 per cent, despite the decline in unemployment. The social expenditures for children, the elderly and the handicapped had increased by 37 per cent in real terms during the 1980s and the expenditures on community health service had grown by 35 per cent in real terms in the decade preceding the fiscal year 1987-1988. The National Health Service (NHS) budget had increased sharply, from 8 billion pounds in 1978 to some 28.7 billion pounds in 1990. The proportion of GNP spent by the public sector on child care had not increased in 10 years, but the State contribution was supplemented by a substantial contribution from voluntary bodies and the private sector. A system of tax relief encouraged employers to finance day care centres for the children of their employees, and the Department of Health provided funding for many voluntary bodies for that purpose.

30. In connection with the implementation of the provisions of article 12, some members of the Committee had asked for more information on abortion, and particularly the circumstances in which it was permitted in the United Kingdom.

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The Abortion Act of 1967 did not allow abortion on demand but it did allow social factors to be taken into account in assessing risks to the pregnant women, risks which must be determined with all the appropriate medical guarantees. That being said, the decision was always taken by doctors. Hence the Department of Health had figures only for abortions carried out under conditions established by the Abortion Act and not for cases in which doctors had refused abortion.

31. The NHS paid for the abortion if it was performed in an NHS hospital or if the NHS authorized a private hospital to perform it. The woman paid if she chose to have the termination performed privately, but she could obtain a grant or a loan. Approximately 55 per cent of all independent sector abortions were performed by three charities. The social security system did not pay for abortions. Girls under the age of 16 could have an abortion without parental knowledge if, in the judgement of the doctor concerned, it was in the patient's best medical interest, and if they had sufficient maturity to appreciate what was involved. Pregnancies in very young girls could be the result of rape because they had not reached the age of consent, but in some cases they were due to early sexual activity.

32. In the tables on abortions in the initial report, the term "agency" referred to establishments entrusted by the NHS to perform abortions. The terms "residents" and "non-residents" meant persons who usually lived in the country where the abortion was performed and those who did not.

33. The Abortion Act of 1967 had put an end to deaths from illegal abortions.

34. On the issue of contraception, family planning services continued to be available nationally free of charge under the NHS; voluntary agencies complemented those services. It was estimated that about 70 per cent of women in the fertile age range used some form of contraception. That percentage included women who had been sterilized, whose partners had been sterilized or whose partners used condoms. The NHS family planning services were available through general practitioners and family planning clinics. Currently, family planning services also played a role in the prevention of AIDS. Family planning services were available to girls under the age of 16 if there was parental consent or sometimes without such consent if it was not possible to obtain it; the doctor frequently played the role of adviser in such circumstances.

35. Concerning the connection between AIDS and prostitution, the Ministry of Health was funding a research study on the informational services existing in the United Kingdom for drug users and prostitutes, whether male or female. The prevalence of AIDS among female prostitutes was thought to be low. It could, however, increase if the disease spread further into the heterosexual population and might be higher in areas where there was a high level of drug misuse. In addition, there was a potential risk posed by foreign seamen using prostitutes in United Kingdom ports. The authors of a study in Greater Glasgow had suggested that at least 75 per cent of HIV-infected drug misusers practised prostitution.

36. A number of local initiatives had been taken in various United Kingdom centres aimed at preventing the spread of HIV and AIDS. Thus, groups had been formed in

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which prostitutes of both sexes exchanged information. A number of centres provided free condoms and the Health Education Authority had also mounted a public education campaign aimed at the general public and, in particular, at sexually active young women. At the end of December 1989, 2,830 people were reported as having AIDS, of whom 1,612 had died, including 114 females. At the same time, 11,676 people were reported as HIV antibody positive, including 1,261 females.

37. In connection with the provision of health care services for women in the ethnic minorities, the United Kingdom Government was unequivocally committed to promoting equality of opportunity both in health service delivery and in health care employment. Account was taken of differences in language, culture and religion and the Ministry of Health had a special adviser on issues concerning ethnic minorities. A seminar had been held in November 1987 for managers of health authorities with substantial ethnic minority populations. That had provided an opportunity to exchange ideas and experience on meeting the health needs of ethnic minority communities, particularly the needs of women in those communities. Publication of the report of the meeting had made it possible for all the health authorities to be made aware of needs which were not always appreciated by health care professionals.

38. The practice of female circumcision was illegal in the United Kingdom. Members of the Committee were concerned because the Ministry of Health had provided funding for two voluntary organizations which worked with those sectors of the African community in the United Kingdom who had come from countries where female circumcision was practised. The work of those organizations fell broadly into two areas: they offered advice to women and girls who had been circumcized in their country of origin before coming to the United Kingdom and were suffering from physical and psychological consequences. They also advised other family members and community groups regarding the practice in order to make it clear that it was illegal in the United Kingdom and that they must refrain from having their daughters circumcized.

39. Child care facilities, mothers' associations, nursery groups and domiciliary health services were important for the mental health and well-being of parents and enabled mothers and their pre-school children to escape their isolation.

40. In connection with the provision of personal social services to elderly people, no specific information was available on the number of elderly people receiving such services or about the extent to which their needs were being met. It was, however, known that the elderly population had increased by 6.7 per cent over the decade to 1987, that the number of day centre places had increased by about 23 per cent, that the number of home helps had increased by 28 per cent and that the number of elderly people cared for by community nurses had risen by 30 per cent.

41. In response to the questions relating to the implementation of article 13 of the Convention, 70 organizations, including 12 women's organizations, had replied to the 1986 Government Green Paper on the reform of personal taxation. From

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April 1990, a wife and husband would be treated in law as two separate taxpayers. Regarding the additional income tax allowance for an unemployed spouse, and whether that allowance might encourage women not to work, she said that the extra allowance was given to a husband even if his wife worked. There was no evidence to suggest that that pattern of allowances had discouraged married women from working.

42. Elderly women received on average just under two thirds of the income of a man of working age. The incomes of elderly people were steadily improving with the expansion of the State pension scheme and occupational schemes and thanks also to the accumulation of capital and inherited wealth.

43. In reply to the question raised regarding the two Sports Council campaigns which had been initiated in 1982, the "50 + All to Play" campaign had been aimed at the over-50s because the strategy adopted by the Council in 1982 had indicated that particular priority should be given to the 45-59 age group. The Council had taken the view that that period in the life-cycle was of critical importance to the extent that it corresponded with a period when participation in sport required appropriate support. The "Ever Thought of Sport?" campaign had been aimed at the 13-24 year age group which had also been identified as a priority in the strategy of the Council. It had aimed at encouraging young people to participate in sports and had involved local organizations, voluntary organizations and sports centres. In 1987 the two campaigns had been superseded by the "What's Your Sport?" campaign which had been designed to give information about possible choices in the field of sport to would-be participants. Since 1988 that campaign had concentrated on women's participation in sports.

44. In reply to questions relating to the implementation of article 16, she explained why, in certain cases, judicial separation might seem preferable to divorce. The reasons related to the personal circumstances of the women concerned. It might be, for example, that the marriage had been of very short duration or that the woman regarded separation as a temporary remedy while awaiting divorce in so far as a divorce petition could not be presented until one year had elapsed from the date of the marriage. She might also decide not to petition for divorce for religious or other personal reasons, such as not wishing to release her husband to remarry while wishing the separation formally recognized in order to settle questions concerning property, income and the custody of children. There were no differences of status between men and women who were judicially separated.

45. Regarding the extent to which divorced women could rely on the payment of maintenance from their ex-husbands and how far they relied on State benefits, all that could be said was that around one third of divorced lone mothers and two thirds of all lone parents had to rely on income support provided by the State in such circumstances. The Government was concerned that many fathers paid virtually no maintenance and was currently examining the maintenance system in order to determine what improvements could be made.

46. On the division of property on divorce and whether a non-working wife had any rights to property, she said that, if a wife owned property, either solely or

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jointly with her husband, she clearly had rights with respect to it. Divorce courts were given wide powers to divide property on divorce once they were informed of all the relevant circumstances, first consideration being given to the welfare of any children.

47. The major causes of marriage breakdown were unreasonable behaviour, adultery and two years' separation. But it would serve no purpose to look at those factors separately, as they were often used only to obtain a quick divorce. While statistics did not necessarily show that a greater number of marriages had broken down, they did indicate a greater number of divorces. The Government had undertaken reforms in divorce law. The Law Commission had put forward a proposal requiring those seeking a divorce to face the consequences of their decision in advance and to examine all the questions relating to the upbringing and arrangements for the children and to finances. That proposal might encourage counselling and conciliation to help save a marriage, or, in the event of a divorce, it might help couples to reach an agreement in an atmosphere of co-operation.

48. Concerning older women who had not had a career, several points were to be emphasized. The State assisted women returning to the labour force under its Employment Training Programme. Single mothers could receive help with child-care costs, and single parents could receive income support benefits without having to work, if they had at least one child under the age of 16. In that case, they would also receive help with housing costs.

49. Single mothers did not receive priority in allocation of publicly funded places in child-care centres. Those whose need was greatest, such as families in difficult circumstances, were given priority.

50. A woman who had not held paid employment long enough to qualify for a pension could qualify for a married woman's pension of her own, which was not an increase to the husband's pension, if she was over age 60. If she outlived her husband (or was divorced after retirement), it was converted to a full-rate pension. If she was under 60 when her husband retired, she did not qualify for a pension, but her husband could receive an increase to his pension until she reached 60.

51. No statistics were available on the number of women who kept their own name on marriage or on the number of couples who decided on a completely new name. As to the question of which surname the children received if the woman kept her own name after marriage, there was no law stipulating that the woman must adopt her husband's surname or even that a child born of that marriage must be known by that surname.

52. There was no particular term to describe children born outside marriage. Inheritance law did not contain any provisions discriminating against children born outside marriage. In the same way, the law concerning cohabitation allowed cohabitants to inherit from each other. However, the Government did not intend to extend the "divorce" régime regarding maintenance and property distribution to

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unmarried couples, mainly because it would remove much of the significance of the institution of marriage and might thus jeopardize the family unit.

53. There were no specialized family courts in the United Kingdom. Procedural improvements in that field could only be achieved along with reform of substantive law.

54. Regarding the extension of the Convention to the dependent territories of the United Kingdom, the Government of the United Kingdom had no doubt as to British sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands, and therefore rejected the statement made on that subject by Ms. Alfonsín de Fasan. Montserrat and Anguilla were not covered in the United Kingdom report, as those two Territories had not ratified the Convention. In answer to questions, she also confirmed that the Convention actually applied to the four dependent Territories, although the Administration of the Isle of Man had pointed out that it would take several years to bring its legislation fully into line with the Convention. Finally, she indicated that there were no women refugees in those Territories.

55. After those general observations, she examined the application of the Convention in the Territories article by article.

56. Regarding article 6, it had been asked if persons guilty of rape were tried in the courts. According to information furnished by the British Virgin Islands, around 60 per cent of rape victims did not appear before the courts when their cases were brought to trial.

57. She confirmed that in the British Virgin Islands, prostitution was a minor problem, as no case of prostitution had been brought to court in the past 20 years.

58. In response to a question regarding article 7, in the Turks and Caicos Islands, the Department of Education was directed by a woman who also had a woman deputy. Currently, of the 13 elected members of the Legislative Council, 2 were women, and 1 of the 3 appointed members was a woman.

59. Concerning article 10, the required age for marriage in the four Territories was 16 years. Questions had been raised regarding the education of teenaged girls who left school early because they became pregnant. On the Isle of Man, students leaving school early for any reason had the opportunity to continue their education later. The Turks and Caicos Islands were instigating a vocational education system to which all Islanders would have access. On the other hand, the British Virgin Islands had recognized that there was currently no provision for pregnant teenagers to complete their schooling.

60. In response to a question, she said that a community college had just opened in the British Virgin Islands where men and women would be admitted on an equal basis.

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61. Regarding maternity leave, addressed under article 11, the Administration of the Isle of Man had recently adopted new provisions on the matter. In the Turks and Caicos Islands, eight weeks of maternity leave were provided for women who had been continuously employed for two years.

62. Due to lack of time, it was not possible to obtain further information on health services in the Falkland Islands, in connection with article 12.

63. Under article 13, it had been asked if the Finance Act of 1988 would be extended to three of the other Territories. No such step had yet been taken.

64. Referring to article 14 of the Convention, some Committee members had been concerned about the situation of rural women on the Isle of Man and their access to the members of the House of Keys, for the redress of their grievances. Given the small size of the Isle of Man, there was no practical difference between rural and non-rural women.

65. Under article 16, a question had been raised concerning the status of "de facto" families in the British Virgin Islands. No specific information on the subject was available. However, the inheritance law of the Turks and Caicos Islands made no differentiation between legitimate children and children born outside marriage.

66. In conclusion, she hoped that she had reassured the Committee of the full commitment of the United Kingdom to the objectives of the Convention. It had been asked whether Mrs. Thatcher had promoted the cause of women. The position held by Mrs. Thatcher was the stunning proof of the opportunities open to women in the United Kingdom to reach the highest levels of Government.

67. The CHAIRPERSON thanked the representative of the United Kingdom and her team for their detailed response to the questions asked by the members of the Committee. The questions demonstrated the great interest in a society such as the United Kingdom. She hoped that the reservations expressed by the United Kingdom regarding some articles of the Convention would be re-examined.

68. Ms. LAIOU-ANTONIOU, while expressing satisfaction with the answers provided, said she had a general impression that much remained to be done in the United Kingdom to ensure a more equal sharing of household tasks. That was an area where the situation, as in many other countries, left much to be desired. Furthermore, the representative of the United Kingdom had explained the popularity of part-time work among women by their preference for that type of employment. In her opinion, that was due mainly to the fact that women had no other choice. She would like to see more progress in that area.

69. Ms. SCHOPP SCHILLING suggested that the United Kingdom representative should ensure that her country's second periodic report contained more comparative statistics to permit an evaluation of progress. Like Ms. Laiou-Antoniou, she was concerned with the question of part-time employment because women who worked part time did not have the same social coverage as those who worked full time.

70. Ms. ILIC congratulated Ms. Denham on her statement and added that many questions had been asked because much was expected of countries that were capable of much.

71. The CHAIRPERSON, joining the preceding experts, said that in order to evaluate progress in improving the status of women, particularly in respect of their participation in decision-making at all levels, it was important to have statistics broken down by sex. In conclusion, she thanked Ms. Denham and her team for having so clearly described the de jure and de facto situation of women in the United Kingdom.

72. At the invitation of the Chairperson, Ms. Masdit and Mr. Muntarbhorn (Thailand) took a place at the Committee table.

73. Ms. MASDIT (Thailand), Minister attached to the cabinet of the Prime Minister, said that she would confine herself to outlining the general context of the replies that Mr. Muntarbhorn, member of the National Commission on Women's Affairs, would give to the Committee's questions on Thailand's initial report.

74. Thailand had achieved great progress towards eliminating de jure discrimination against women, but much remained to be done to overcome traditional behaviour. That behaviour was reflected in de facto discrimination, particularly in the stereotyped perceptions of the roles of men and women. To change those attitudes the Government depended a great deal on the school system, where parity between the two sexes had been virtually achieved, and on education and public opinion.

75. The National Commission on Women's Affairs included representatives of the key ministries and representatives of the two major non-governmental organizations, each of which included hundreds of other organizations and experts from the public and private sectors. The Commission's priority was to co-ordinate the objectives of the five-year economic and social development plan and the 20-year plan for the promotion of women.

76. In Thailand's bicameral system, the Senate was not elected. Those appointed to it were mainly from the higher levels of the administration and the army, and that was why women were hardly represented. In the Chamber of Deputies, even though all the parties declared their readiness to include women on their rolls, there were only 10 women out of 357 deputies. There was no quota, but the goal of the five-year plan included ensuring better representation for women in Parliament. The male members of Parliament were, they said, largely in favour of the advancement of women but efforts must be made to motivate them further in order to accelerate the course of legislative reforms and monitor their implementation.

77. She saw in the recent institution in Thailand of National Family Day not only recognition of the role of the family but also a symbol: all citizens were called upon to work together on an equal footing, like a big family, in the development of the country.

78. Mr. MUNTARBHORN (Thailand) said he would first deal with the question of the implementation of the Convention on the international level and then, article by article and according to the questions raised, with the national aspects, such as legislation and practices, or planning problems.

79. Thailand had acceded to the Convention, but Parliament had not yet been presented with a request for ratification, which the country's law required in order to make an international convention fully binding The question of ratification was closely linked to the reticence reflected in the reservations, and was part of the background in which the teachings of history and socio-economic realities occupied an important place. The fact that Thailand had submitted its initial report was evidence, nevertheless, of its wish to abide by the basic principles of the Convention.

80. Its reservations to the Convention had given rise to very many questions, which were also constructive criticisms. In a general way, States which formulated reservations in respect of any convention could choose between two approaches: either to withdraw reservations justified on the grounds of the incompatibility of certain laws or policies with the convention concerned in the hope that compatibility would eventually be achieved, or to wait for that compatibility to be achieved before withdrawing the reservations. Thailand had adopted the second approach since its accession to the Convention on the Elimination of All Forms of Discrimination against Women.

81. Under article 28, paragraph 2, of the Convention, a reservation incompatible with the object and purpose of the Convention should not be permitted, but the question was who determined that incompatibility - the States themselves or an independent body? Under the Vienna Convention on the Law of Treaties the States decided, but what was to be done when some States, as in the present instance, accepted reservations that others rejected? Thailand would therefore like the view of an independent body such as the Committee.

82. He then turned to Thailand's reservations and the grounds it had invoked to justify them when it acceded to the Convention: the reservation in respect of article 7 (discrimination in political and public life) was due to the fact that some jobs, particularly in the administration and in the army, had been, and still were, closed to women; the reservation concerning article 9, paragraph 2, (nationality) was the consequence of the patrilinear approach adopted in that area under the law; the reservation in respect of article 11, paragraph 1 (b) (employment) was explained by the prohibition against employing women in certain night jobs; the reservation concerning article 15, paragraph 3 (invalidity of contracts restricting the legal capacity of women) was explained by the fact that legislation was unclear on that point; the reservation in respect of article 16 (questions arising from marriage) was justified by the fact that legislation was not in accordance with the provisions of that article; finally, the reservation in respect of article 29, paragraph 2 (International Court of Justice) was in accordance with international practice.

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83. Thailand intended to withdraw two of those reservations, namely, the ones to article 11, paragraph 1 (b) and to article 15, paragraph 3. In a more general way, it was certain that the concern for national security, understood in a broad sense, had played an important role in the formulation of reservations.

84. In connection with the Nairobi Forward-looking Strategies for the Advancement of Women, Thailand was in the process of preparing a report on the manner in which it was implementing those Strategies. Thailand welcomed the obligation stipulated therein to eliminate all forms of discrimination both in law and in fact. It considered that the advancement of women could be achieved through the economic and social development of the country.

85. Regarding the international instruments on human rights, Thailand had not acceded to the International Covenants nor to the Optional Protocol of 1966. On the other hand, it was party to the Convention on the Political Rights of Women, 1952, and the two International Labour Organisation Conventions (Convention No. 122 of 1964, on employment policy, and Convention No. 127, of 1967, regarding the maximum weight which could be carried by a worker).

86. He proceeded to examine, article by article, the implementation of the Convention at the national level.

87. In regard to article 1, he recognized that, at the national level, there was no law formally prohibiting discrimination based on sex. That was a gap which remained to be filled. However, existing laws, particularly the criminal code and labour legislation, contained provisions which, without specifically mentioning women, guaranteed protection for individuals in general against violations of their fundamental rights.

88. It was true that the Constitution of Thailand did not make specific reference, as was required by article 2 of the Convention, to the equality of men and women although, when the Constitution was being drafted, women's organizations had asked that such mention should be included. It was equally true that, in contrast to the situation in other countries, an individual could not invoke the Constitution of Thailand in court as local laws must also be taken into account. One member of the Committee had asked whether it might not be possible to amend the Constitution. That was not an easy task as there were many groups to be convinced and many obstacles to be overcome.

89. With reference to the Constitution, he pointed out that the great problem which arose in Thailand, as in other countries, was how to reconcile national security with the rights of individuals and of women in particular. He suggested that the Committee should consider that question in the future.

90. In regard to the integration of women's issues into the national planning process, which concerned article 3 of the Convention, he pointed out that, in contrast to the five-year plan, which stipulated general socio-economic goals, the long-term 1982-2001 plan was specifically geared towards the development of women.

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The plan also contained goals concerning, in particular, the reduction of infant mortality. A question had been asked by a member of the Committee relating to the section of the budget which was expressly devoted to matters of interest to women; it was impossible to give exact figures in that connection, as no budget-related post in the different ministries was concerned specifically with women.

91. On the other hand, he pointed out that the approximately 300 women's organizations existing in Thailand played an important role and that account was taken of their contribution in the development plans of the country.

92. In reply to the request for statistics from members of the Committee, he said that there were 1,160 judges in Thailand, of whom only 116, or 1 per cent, were women. In 1986, 19 per cent of households had a woman as their head. Infant mortality in 1984 was 41.3 per thousand live births. The literacy rate was high (97 per cent), but the proportion of illiterates was higher among women than among men. On the other hand, 88.3 per cent of women only received primary education. Shares in the labour force in 1986 were 51 per cent for women and 75 per cent for men. It also must be noted that 30 per cent of the women worked in agriculture against only 36 per cent in the case of men.

93. In regard to the dissemination of the provisions of the Convention, stipulated in article 5, he pointed out that there had been seminars on that matter and the provisions had also been disseminated through the media, particularly television, but, generally speaking, such media only reached the urban population. In order to reach the inhabitants of the rural areas, more innovative approaches were needed, such as audio-visual methods, strip cartoons, etc. It was also essential to train teachers and employers with a view to changing attitudes.

94. During the discussion which had followed the presentation of the report of Thailand, the problem of prostitution had been raised. He recognized that it was a serious problem although official statistics on the subject were not available. It was also a problem which must be placed in the context of poverty and underdevelopment. Prostitution was prohibited in Thailand under the criminal code and the 1986 law against prostitution. The Government was combating prostitution and had adopted an approach based on the reintegration of prostitutes, social protection and development; in other words, the approach was therapeutic rather than punitive. It must however be recognized that prostitution was continuing notwithstanding those laws. In his opinion, an important part of the problem lay with demand, namely, in the private sector, which encouraged sexual tourism, which was a source of profit. The problem must be approached within the framework of inter-State relations both at the multilateral and bilateral levels. Constructive measures must therefore be adopted at the international level in order to put an end to the problem.

95. In connection with the decision-making role of women, referred to in article 7 of the Convention, he pointed out that in 1982 the law had been modified in such a way that thereafter women were permitted to occupy managerial posts in village administrations. On the other hand the same situation did not prevail at the

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district level where only men performed administrative functions. The National Commission on Women's Affairs was currently making efforts to change that situation.

96. Many questions had been raised in connection with article 10, which related to education. In law, women and men had equal access to education but in fact many stereotypes existed in that area which the Minister of Education was attempting to eliminate. Thus, domestic economics was a discipline which had been introduced into the curriculum of both boys and girls, nothwithstanding the hostility of certain families.

97. Sexual education existed in Thailand where it played an important role, particularly because of the appearance of AIDS.

98. In reply to a further question, he pointed out that education on human rights was encouraged in Thailand and that students, particularly in universities, showed great interest in such instruction, particularly on women's rights. Studies on the status of women existed but only at the higher level. In connection with education, the basic question which arose in Thailand was to know how to educate those who exploited women, in particular, how to convince employers and consumers. That was a task which called for attention in coming years.

99. The principle of equal pay for men and women - article 11 of the Convention - was accepted in Thailand, but in practice the situation was different, with much remaining to be done to improve things in that area. Social security existed, although in a limited form, with coverage extending only to those persons who had become ill or injured in an accident while employed. A proposal had been made to change the law so that sick or injured persons who were not employed could also benefit from social security. That proposal had not been adopted. It was to be hoped that the bill in question would be resubmitted to the Senate.

100. As many Committee members had pointed out, there was in Thailand, as in many Asian countries, a system of social security provided by the extended family. However, owing to the disintegration of the family, a common phenomenon throughout the region, the protective role formerly played by the extended family now had to be assumed by the State. That was an extremely costly undertaking.

101. Replying to a question about paid leave, he noted that the National Commission on Women's Affairs had succeeded in having maternity leave extended from 60 to 90 days. In practice, however, the situation depended largely on the employer attitudes, and, once again, much needed to be done to convince private companies to adopt the new measures.

102. With regard to the question on family planning raised in connection with article 12 of the Convention, it was still assumed in Thailand that women had chief responsibility for controlling their own fertility by using contraceptives. However, the Government had taken a stronger position in that area by encouraging vasectomies and the distribution of condoms.

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103. Abortion was forbidden in Thailand under the Criminal Code, except in cases of rape or when the health of the mother was at stake. Proposals had been made to broaden abortion legislation. However, the proposed reforms had not yet been adopted because of pressures exerted by certain groups advancing religious arguments.

104. With regard to violence against women, and rape in particular, the law clearly stipulated that rape was an offence. Women had been afforded greater protection since 1987, when the law had been modified to raise the age of consent in sexual matters to 15 from 13 years.

105. In response to questions raised under articles 13 and 15 on women's access to bank loans, he said that certain government services now offered loans to women's groups to assist them, particularly in establishing small-scale enterprises. In practice, however, working women, particularly in rural areas, lacked adequate access to credit.

106. With regard to article 16, questions had been raised on the subject of bigamy. Although the Government discouraged bigamy, the law was sufficiently vague on the subject, with a man convicted of bigamy liable to sentencing only for giving false evidence. That situation was changing with the introduction of identity cards. On those cards, married women must be listed under their husband's name. Where the names of married women were concerned, the law was quite clear, stipulating that women who married must take their husband's name. A proposal to allow women who married to retain their maiden name had not been adopted.

107. On the subject of women refugees, he said that out of 400,000 persons requesting asylum, 60 per cent were women and children. Generally speaking, refugees in Thailand were considered to be illegal immigrants who had duties rather than rights. The Thai Government had a policy, particularly in the case of refugees of Laotian and Vietnamese origin, of granting them temporary asylum until it could be ascertained whether they met the necessary criteria to be given refugees status. Persons who failed to meet those criteria were returned to their country of origin. The refugee issue was an extremely sensitive one in which it was often difficult to reconcile humanitarian considerations with the interests of national security.

108. In conclusion, he offered to provide any additional data the Committee might wish to have. His country was planning to set up a statistical centre that would be responsible for the collection of data, particularly data relating to women. He thanked the members of the Committee for their constructive criticism and said his Government would welcome any recommendations they might make regarding the drafting of its next report.

109. Ms. MASDIT (Thailand) said that, while her country had not yet ratified the Convention, it wanted to submit its initial report to demonstrate the scope of Thailand's efforts to implement the provisions of that instrument.

110. The CHAIRPERSON thanked the representatives of Thailand for having answered Committee members' questions in detail. She recalled that, in accordance with article 27 of the Convention, the two ways in which that instrument entered into force in a State party were the State's accession to or ratification of the Convention. In fact, those were legal considerations of lesser interest: the Committee was primarily interested in finding out whether or not the provisions of the Convention were being implemented in a given country.

111. Ms. GONZALEZ MARTINEZ thanked Ms. Masdit for her answers to Committee members' questions. The Committee was especially pleased by Thailand's accession to the Convention given that the country had not acceded to many other human rights instruments. That being said, she found Mr. Muntarbhorn's explanations regarding the Thai Government's reservations to the Convention unsatisfactory, particularly in the case of articles 6 and 10. She made a general appeal to the Thai Government to withdraw its reservations. In addition, Mr. Muntarbhorn had referred to the link between national security and protection of women's rights. She did not see what relationship there could be between the two.

112. Ms. LAIOU-ANTONIOU thanked Mr. Muntarbhorn for his outstanding presentation and said how happy she was to see a man support the cause of women's advancement in Thailand with such conviction. With regard to the problem of prostitution, however, she failed to see the cause-and-effect relationship between that phenomenon and underdevelopment which he had described. In her view, the emancipation of women and their access to equality were factors of development for any country.

113. Ms. CORTI joined previous speakers in congratulating the representatives of Thailand. She pointed out that the members of the Committee did not seek to pass judgement but rather to assess the progress achieved in a given country.

114. Ms. SCHOPP-SCHILLING congratulated the representatives of Thailand for their statements, but confessed that she did not understand what relationship might exist between the enhancement of women's status and national security.

115. The CHAIRPERSON said she was aware of long-standing traditional attitudes that marked all aspects of women's life in Thailand. It was in that context that Thailand's efforts to improve the status of women must be appreciated.

116. Ms. MASDIT (Thailand) said that she would refer to her Government the Committee's question about the presumed link between national security and the status of women. She thanked the members of the Committee for their constructive criticism.

The meeting rose at 6.30 p.m.

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Ninth session

SUMMARY RECORD OF THE 161st MEETING

Held at Headquarters, New York,
on Monday, 29 January 1990 at 3 p.m.

Chairperson: Ms. EVATT

CONTENTS

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Turkey (CEDAW/C/5/Add.46 and Amend.1)

1. At the invitation of the Chairperson, Ms. Dogramaci (Turkey) took a place at the Committee table.

2. Ms. DOGRAMACI (Turkey) introducing her country's initial report said that the principle of equality of men and women had formed part of the ideas of Kemal Atatürk, founder of the Republic of Turkey. That principle had been embodied in the 1926 Civil Law, which had abolished polygamy and recognized civil marriage only. It had also granted women the right to sue for divorce, have guardianship of their children and own and inherit property on equal terms with men. In 1934, universal suffrage for everyone aged 21 years and over and the right to stand for Parliament for everyone aged 30 and over had been introduced. Recently, the voting age had been lowered to 18 years.

3. The Turkish Constitution prohibited discrimination between men and women, and indeed discrimination of any kind, as a concept foreign to the Turkish temperament and to Islamic tradition. However, it was not the law itself that was important but its interpretation and implementation. In practice, there was a striking difference in the status of women between the various regions. In western Turkey, where living standards were higher and there was a large urban population women enjoyed a position of equality with men. In the eastern part of the country, however, the stereotyped role of women in society tended to persist although motherhood was honoured.

4. Interestingly, Turkey had not become as conscious of women's rights as other countries. In part, that might have a linguistic cause: job advertisements were not gender specific because there was only one word to identify members of both sexes. Moreover, there was no differentiation between "Mrs." and "Miss": a woman's title was the same whatever her marital status.

5. The status of women in Turkey was closely related to other questions, such as rapid population growth, which had kept women in the home and prevented them from realizing their full potential, and they had also suffered the adverse effects of worsening economic, education and health service problems. From 13.6 million in 1927, Turkey's population had increased to over 50 million by 1985. Great efforts had been made to educate the population about family planning and in the use of birth control but, despite large-scale nation-wide campaigns, little progress had been made in rural areas, where illiteracy was still prevalent. Although the population was still increasing, however, the growth rate was slowing.

6. The problem of illiteracy in Turkey had, inevitably, been magnified by the rapid increase in population, which had resulted in an increase in illiteracy between 1975 and 1980. Women accounted for most of the illiterate population, a

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factor which prevented them for realizing their full potential. After the 1980 general literacy campaign, however, the figures had gone down in both absolute and relative terms. In 1985, 32 per cent of women had been illiterate as compared with 45 per cent in 1980. The aim was to reduce the rate to 10 per cent by the early 1990s.

7. At the school level, the difference between the male and female population was less obvious. Figures pointed to an increase in the percentage of girls completing the various levels of education. A larger percentage of women than men completed formal primary and middle school education but a greater percentage of men than women completed high school or university education. Other types of educational facilities were attracting girls and women, however, such as schools of applied handicrafts, adult literacy centres and ceramics training centres. There were also television programmes specially designed for women to help raise their level of social and formal education.

8. The number of women in higher education was just over half that of men. Since entrance to university was determined by competitive examination, however, the candidate's sex was not taken into consideration. Almost all university students were entitled to State scholarships.

9. The distribution of students in the various subject areas suggested that women preferred some disciplines while men preferred others. There were more women than men studying literature, languages and art. Men predominated in the technical sciences and the social sciences, although there were more women than men pursuing mass communication and media studies.

10. With very few exceptions, there was no discrimination in Turkish legislation between men and women with respect to employment, and there was equal pay for equal work. Very few top-level jobs, however, were held by women. That was partly because of the lower educational level of the average woman and partly because fewer women received vocational training. None the less, that could also be attributed partly to what might be called Turkish women's "poverty of desire". Married women, in particular, preferred work which was not too demanding and would allow them to fulfil their roles as wives and mothers too.

11. One very obvious place where there were few women was Parliament. In the first Parliament elected after the granting of universal suffrage, there had been 18 women, and that figure had never been matched since. There were probably various reasons: it might be partly due to the fact that Turkish women had not had to fight for the right to be elected or to the fact that political parties were not confident in the ability of women candidates to attract votes. Turkey now had, for the first time, a woman minister - the Minister of Labour and Social Security - chosen from among representatives of the Government party. Whether that situation of inequality could be ignored and left to correct itself, or whether active measures should be taken to encourage more women to enter politics, was a subject which deserved serious consideration. Various efforts had been made to introduce legislation whereby, in elections, 20 to 30 per cent of each party's candidates would be women, but that recommendation had yet to be accepted.

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12. In other areas, there were women in posts of great responsibility. In the country's 29 universities, there were women rectors, deans and heads of department and, according to the latest statistics, women made up 34 per cent of the teaching staff. Women had also distinguished themselves in the legal profession, as doctors, surgeons, bank managers and senior administrators, and in the world of business. Since the founding of the Republic in 1923, the distribution of women in the work force had changed radically. There had been a gradual shift from agriculture to industry and techincal occupations which reflected the general economic trend in the country.

13. There was almost no discrimination against women in employment, with the exception of the armed forces. Women could, and did, join the armed forces and hold officer rank, but their participation was limited to educational and administrative spheres. Apart from that, there was only one post that, by law could not be held by a woman - that of regional governor ("Kaymakam"). The law in question was an old law upheld by tradition. It was clearly an anachronism, since women could hold other, more senior, administrative posts, and it was now in the process of being changed. There were also certain types of heavy or dangerous work for which it was illegal to employ women. That was not a question of discrimination against women, but of protection. Women could not be employed in underground or under-water work, on road or railway construction, in foundry work or in work using explosives. There were special rules for the protection of women who worked at night, particularly for their safe transportation to and from work.

14. Certain privileges were also granted to pregnant women and nursing mothers. Women had the right to six weeks' paid leave before giving birth and six weeks after delivery. If they wanted to, they could take a further six months' unpaid leave. Husbands were entitled to three days' paid leave. Nursing mothers also had certain rights; for example, they were given two half hours off each day, counted as working time, to feed their babies. Any establishment employing more than 100 women must have a special nursing room and, if there were more than 300 women, must provide a nursery. Free maternity and paediatric services were run by the State. More and more organizations provided crêches and pre-school facilities for the children of their employees.

15. Employment legislation attempted to establish a balance between two important constitutional principles: everyone had the right and the duty to work; and the family was the foundation of Turkish society. Regarding social and economic benefits, all public and private sector employees had the same rights to retirement, a pension and health services. Housewives benefited from the new "Bag Kur" insurance system and, by paying a monthly contribution regulated by law, had the right to retirement, to receive a pension and to health services. Furthermore, when one of the spouses was unemployed, the other received a larger family allowance. There were also subsidies for the education of children at all levels.

16. With regard to Turkey's reservations to articles 15 and 16 of the Convention a committee had recently been established in Parliament to review the entire Civil Code and to propose to Parliament all the changes necessary in the provisions which

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discriminated against women. The Civil Court had just ruled in favour of the right of married women to retain their maiden name. She was sure that all reservations would be withdrawn before the second periodic report was submitted.

17. The CHAIRPERSON, speaking as a member of the Committee, pointed to the tremendous differences in the status of rural women, despite the fact that almost half of the population of Turkey lived in the countryside. She requested more information on those differences, particularly in relation to the education and health of rural women.

18. Ms. FENGER-MOLLER pointed to the discrepancy between the text of the Constitution of Turkey, which established equality between men and women, and the comments made by the representative of Turkey regarding the provisions of the Civil Code. Although the introduction of amendments to the Code was being studied, it was important for the Committee to know what was being done and what was planned for the future. The report and its amendment showed up those discrepancies, especially with regard to the right to work, since Turkish women must ask their husbands' permission in order to exercise a right that could be used as grounds for divorce. She asked about the consequences of divorce for the children, what the woman could do in such a case and where she would live if the husband had the right to the family home and, as head of the family, made all decisions regarding it. She also asked how the right to work could be considered an option for women under those conditions. That reservation related to equality under the law, equality in marriage and in the home and the right to work. She wondered how a right which depended on another person's permission could be guaranteed. She requested further clarification of the meaning of paragraph 35 of the amendment to the report, given Turkey's intention of withdrawing its reservations.

19. Ms. LAIOU-ANTONIOU noted the contradictions of the report, which gave the impression that Turkish women had been left to themselves in their struggle for equality. The majority of Turkish women were oppressed by illiteracy, social prejudice, lack of information, lack of social infrastructures and legal barriers and discrimination. They did not receive equal pay for equal work, nor did they have equal access to employment. The number of working women had declined, since women were considered "dependent" persons, like minors. Some parts of the report did not do justice to Turkish women and blamed them for not wanting to hold senior positions, especially married women for not wanting more demanding work. Such a statement could only be made if women had sufficient day-care centres to meet their needs, if men shared responsibilities equally and if women enjoyed equal opportunities in education and employment. She wondered whether the report had been studied by women's organizations.

20. Ms. OESER commented that problems related to the economic system affected not only women, but society as a whole. She requested clarification of the statement in the report that women might receive more favourable treatment than men and asked whether the reservations entered by the Government of Turkey, on ratifying the Convention, to the various paragraphs of article 15, above all those regarding the right to enter into contracts, the rights of both sexes in marriage, and the

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surname used by the wife must perhaps be analysed in that context. That could in no way be considered as favouring women. Regarding the wife's surname, she requested more information on the explanation given in the report regarding court decisions, and asked how that represented a more favourable situation when the report referred at one point to ideal equality and later on to equality in practice, and in another paragraph stated that the situation would be ideal once some legal provisions were amended. What was meant by those contradictions: was there equality or inequality, what was ideal about the situation and what had been the basis for the Government's reservations?

21. Ms. CORTI said that the 1984 Constitution of Turkey was a setback compared to the one adopted in the days of Atatürk, because the role of women remained subordinate to that of the family. She requested an explanation with regard to the literacy rate, given the statistical inconsistencies of the report. There was no mention in the report of the instruments responsible for implementing equality of the sexes, or of the role of women's organizations. It would be important to know what those organizations were doing for rural women. Regarding the review of rights described as discriminating in favour of women, she asked whether that review was a positive or negative one.

22. Ms. PILATAXI DE ARENAS endorsed the comments made by earlier speakers. She asked why, as stated on page 3 of the report, Turkish women still had some unsolved problems which were closely bound up with the changing economic system and social structure, and why the pessimistic statement was made that many new problems would arise for women in the near future. She requested clarification about the changes planned in the Civil Code and their current legal status.

23. Ms. AKAMATSU expressed disappointment at seeing so few women in the streets of Istanbul during her recent visit to that city, bearing in mind that women comprised half the population of Turkey and, according to the report, many were studying at the universities. She asked whether Turkish women were active socially, if there were prohibitions on walking in the streets or if it was considered dangerous for them to do so.

24. Ms. GUAN Minqian agreed with the analysis of the experts who had already spoken to the effect that, notwithstanding the official position in Turkey, in practice manifestations of discrimination against women could be observed, although the report stated that it was dangerous to generalize because of the substantial differences existing between different areas of the country.

25. She congratulated Turkey on recent advances in the status of women, such as, for example, the creation of a national agency dedicated to women, the concession to married women of the right to retain their own names and the substantial reduction in the rates of illiteracy among women.

26. She referred to the statement on page 3 of the report to the effect that "Turkish women today have some unsolved problems", which were closely linked to "the changing economic system and social structure". She inquired what those problems were.

27. Ms. GONZALEZ-MARTINEZ agreed fully with the comments of Ms. Fenger-Moller.

28. Ms. SCHOPP-SCHILLING said that she shared the concern of previous speakers at the reservations to the Convention made by Turkey.

29. Although Turkey was a secular State in which there was separation between State and Church, it was known that in recent years Islamic movements which supported the strictest application of Islamic law had sprung up in the country. She would like to know how important such movements were in Turkey and how they influenced the situation of women in education, employment and other areas.

30. Ms. NOVIKOVA referred to the statement in paragraph 6 of document CEDAW/C/5/Add.46/Amend.1, that "discrimination ... is basically foreign to the Turkish temperament". In fact, the status of women was determined by cultural traditions, by the political and socio-economic situation, by the characteristics of the country and by historical factors; the reference to "temperament" was not sufficient and touched only one aspect of the problem. In the report presented by Turkey, there seemed to be a tendency to make women responsible for their own inequality. The report was the first submitted during the current year in which such a tendency had been noticeable and clearly reflected an uncritical analysis of the situation. In addition, she agreed with the statement at the end of paragraph 6 that "it was not however the law itself that is of paramount importance, but the interpretation of the law and its implementation". She therefore requested additional information on the means whereby the Government proposed to implement the concept of equality.

31. She had known many Turkish women, particularly members of the trade union movement and had been surprised by their heroic efforts to enter the labour market and to be given equal treatment.

32. In paragraph 8 of the report it was stated that "Turkey has not yet become conscious of 'women's rights' as have many countries. This may, in part, have a simple, linguistic cause." That was clearly one of the factors which had influenced the situation of women but it could not be regarded as the only cause of that situation. She would like to know what Turkish men and women thought about their rights because the attitude of public opinion determined to a large extent the awareness of women.

33. In paragraph 16 of the report it was alleged that the reason why women did not occupy more managerial posts was their "poverty of desire". Such a statement reflected a superficial analysis of the problem. It was not their fault that they faced difficulties in making progress; it would be very easy to blame them for not occupying positions of responsibility. The situation of women depended completely on the conditions created by society. Women could only advance if society helped them and gave them proper protection. She wished to know if studies on the status of women were being undertaken in universities and research institutions.

34. Ms. LAIOU-ANTONIOU, referring to article 2 of the Convention, cited article 50 of the Constitution of Turkey in which it was declared that "no one shall be required to perform work unsuited to his age, sex and capacity. Minors and women ... shall enjoy protection with regard to working conditions". In her view, that provision raised the possibility of different forms of discrimination against women, bearing in mind that the sex of a person was an important factor in connection with the provision of protection, hiring and other matters. In addition, in the current case, minors and women were placed in a situation of equality which could prove to be an obstacle to the employment of women. The provision was not consistent with article 2 of the Convention. She would like the representative of Turkey to clarify the point.

35. It was also stated in the report that "the woman has been given a special importance and priority from the viewpoint of her duties and functions within the family and the society, in view of her natural characteristics." It would seem that no provision existed which referred to the duties and responsibilities of the men in the family: the report made no reference to the function of men in the family structure and society. The reference to the "natural characteristics" of women opened the door to discrimination and accordingly she would welcome the comments of the representative of Turkey.

36. Ms. GUAN Minqian referred to article 10 of the Turkish Constitution which guaranteed the equality of all before the law. Later in the report it was stated that "some points [of the Turkish Constitution and Codes] that derange the equality between two sexes cannon be ignored". She would like to know exactly what those points were.

37. The CHAIRPERSON, speaking as a member of the Committee, said that the reports of a number of non-governmental organizations had claimed that some Turkish women who were in prison had been subjected to torture and rape. She would like to know if women in Turkey had the same rights as men to be represented by lawyers, to be tried in a court and to be protected against torture.

38. Ms. OESER, in connection with article 3 of the Convention, referred to a comment in the report to the effect that, notwithstanding the regulations, "there are some trends that prevent women's appointment as governor for cities and towns". She would like to know what those trends were and why it was considered that "only some time is necessary" before they disappeared.

39. In general, article 3 of the Convention should be interpreted as an obligation assumed by States Parties to adopt measures in all areas in order to advance the full development of women. Clearly, that assumed the active participation of those same women. She would like to know if women's organizations exercised political influence in Turkey and if the Government and authorities had consulted them before adopting decisions or measures relating to the application of the Convention.

40. Ms. GUAN Minqian referred to the statement that the disappearance of a number of traditional trends was only a question of time. In the experience of China, it was very difficult to eliminate traditional trends and more time was needed for that purpose than was required to promulgate a law or regulation. She would welcome the comments of the representative of Turkey in that connection.

41. Ms. LAIOU-ANTONIOU, referring to article 3 of the Convention, expressed satisfaction that a national agency for women had been established; she would like however to receive hard information on the budget, staffing and degree of decentralization of the relevant body.

42. Ms. CORTI, referring to article 4 of the Convention, said that the information presented in the report was very meagre. In the relevant paragraph it was stated that "there are a few special and legal decisions of the Court of Appeal to accelerate the 'ideal' equality between the rights of men and women". She would like to know what was considered to be "ideal equality".

43. As a further example of the article's application, it was stated that married women were entitled to use their maiden names. It would, however, be useful to know of other ways in which that article was applied, it being a most important provision, particularly if that type of equality was not already enshrined in law or in practice. She also wished to know if the Turkish Government intended to take provisional measures to implement article 4.

44. Ms. BUSTELO GARCIA DEL REAL, referring to article 5 of the Convention, requested additional information on measures adopted to change social and cultural patterns in women's employment, with a view to eliminating the prejudices and habitual practices which accorded stereotyped roles to men and women in society. That article of the Convention was fundamental in complementing other measures mentioned in the report, such as those relating to the better integration of women in education and the employment market. In specific terms, she believed that some of the information and comments contained in the report reinforced social and cultural patterns which impeded the advancement of women or indicated a certain complacency on the part of public opinion in that regard.

45. The section of document CEDAW/C/5/Add.46/Amend.1 on education stated that certain areas were favoured by women and others by men; that was apparently seen as something natural which did not require any change. According to the findings of research and studies, women chose certain professions because they were encouraged to do so by traditions, and those professions were generally the lowest paid or the least respected in society. With regard to employment (para. 16), there was a reference to the "poverty of desire" of the Turkish woman. She wished to know whether Turkish women endorsed that judgement, what men and the Turkish Government thought in that respect and whether there were plans to take measures so that men and women would have similar responsibilities in respect of family and children.

46. The initial report of Turkey stated that Turkish women who gave up their jobs on marriage were entitled to an indemnity. She wished to know whether the indemnity was granted only in the case of women and, if that was considered to be an advantage for women, on what that opinion was based. According to the report, women were also prohibited from engaging in certain types of work and, in the armed forces, women could rise only to a certain level. She wished to know the reason for such prohibitions and whether there were any plans to amend them. She also wished to know if women were prohibited from carrying out certain types of jobs for health reasons and whether any types of jobs were prohibited to men.

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47. In conclusion, she expressed her surprise that the list of events in Turkish history demonstrating the progress of women towards equality should include the election of Miss Turkey as Miss World in 1936. That indicated a lack of clear ideas as to the roles which men and women must play in society if equality was to be brought closer.

48. Ms. PILATAXI DE ARENAS said that she, like the previous speaker, wished to know what measures the Government had adopted to change social and cultural patterns in order to promote equality for women. She would also be interested to know whether the Convention was invoked in civil and legal issues arising in Turkey and which Government body oversaw the implementation of women's rights.

49. Ms. LAIOU-ANTONIOU requested details of the television programmes specially designed for Turkish women to help to raise the level of their social and formal education.

50. Ms. FORDE said that Turkish leaders were apparently prepared to promote the equality of women and were endeavouring to ensure the harmonization of policies and practices, in the hope of achieving better results. The section of the report on population and family structure referred to the role of women in the family and to measures adopted to defend that role; reference was also made to that role in the section concerning legislative achievements in favour of Turkish women. She wished to know the exact nature of that role, whether there was sufficient recognition of a woman's right to keep her children, ask for a divorce and decide how many children she wished to have, and whether the role she played in the family was of a primary or secondary nature.

51. Ms. BUSTELO GARCIA DEL REAL, referring to article 6 of the Convention, said that, according to the corresponding section of the report, exploitation of prostitution was already under the control of the State through articles of the Penal Code and that, in order to prevent the spread of prostitution, the Police Duties and Responsibilities Act had been extended. She wished to receive information on regulations governing the practice of prostitution and the exploitation and treatment of women as prostitutes, and to know if special treatment was accorded to juvenile prostitution, whether there were any plans to punish prostitutes' clients and whether information was available on movements in the number of women engaged in prostitution in Turkey.

52. Ms. SCHOPP-SCHILLING wished to know what the connection was between rape and prostitution, since paragraph 438 of the Penal Code stated that if, in a case of rape, the woman was proved to be a prostitute, the culprit was subject to a penalty equivalent to one third of the penalty applicable in other cases. The Turkish Constitutional Court had recently issued a judgement recognizing that paragraph as constitutional. She wished to know the repercussions of that provision, not only from the point of view of the human rights of prostitutes, but in all cases of rape. In the future, lawyers defending a rapist could try to prove that the woman was a prostitute and the victim, in her turn, would have to prove the contrary, which was very humiliating for a woman. She was therefore interested to know who

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had brought the case before the courts, what the reaction of public opinion had been to the verdict, what the current possibilities were for an amendment of the provisions of paragraph 438 of the Penal Code and whether there were groups within the political parties which could submit draft laws to that end.

53. Ms. FENGER-MOLLER, referring to article 7 of the Convention, asked what had been done to increase the number of women participating in Turkey's political life and why the legislation whereby at least 20 to 30 per cent of the candidates of each party should be women (para. 17 of CEDAW/C/5/Add.46/Amend.1) had been unsuccessful. She also wished to know what percentage of women held, as indicated in the report, posts of very high responsibility and requested more explicit clarification of what was meant in that connection.

54. Ms. CORTI endorsed the comments of the previous speaker and asked what political parties were doing with respect to the number of female members of parliament. She also asked how religious conviction related to the political decision taken by a woman when voting, given that she was doing so in a secular country. She was disappointed to receive the impression that there was no political pressure from women's movements for the active participation of women in the country's political life and requested confirmation of that impression.

55. Ms. BUSTELO GARCIA DEL REAL asked for more specific details on the participation of women in political parties and trade unions.

56. Ms. GUAN Mingian wished to know more about women's organizations in Turkey and their role in the elimination of discriminatory stereotypes.

57. Ms. EVATT wished to know if a limit had been placed on the number of women who could serve as judges.

58. Ms. AKAMATSU said, with respect to article 8, that she would appreciate further details on the number of women holding public office, and particularly those serving in high-level posts as ambassadors, ministers, etc.

59. Ms. NOVIKOVA said she did not understand how the report could state that there were no restrictions on the representation of women at the international level if, on the other hand, the Government itself said that the number of women holding public office was insufficient.

60. Ms. FORDE requested, in connection with article 9 of the Convention, clarification as to whether mothers could legally pass on their nationality to children in the same way as men.

61. Ms. PILATAXI DE ARENAS, referring to article 10, asked whether the Turkish Penal Code provided for sanctions against fathers who cut short the education of their children and whether the age at which young people were married, which in certain cases required judicial authorization, was not considered premature. With regard to higher education, she asked why, if entry to university was based on

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competition, there was such a disparity between men and women. She also wished to know which applied handicrafts were offered to girls between the ages of 10 and 14, because in her opinion they would encourage girls to abandon their formal studies. She praised the progress made in the field of literacy and asked for details of the literacy plan which was being implemented.

62. Ms. WALLA-TCHANGAI said it seemed to her that women were caught in a vicious circle: their wages were low because they did not have the same educational opportunities as men and they married very young. She asked how the law establishing the minimum age of marriage at fourteen was applied in the rural sector and whether it did not constitute an obstacle to education.

63. Ms. FENGER-MOLLER asked what was being done with regard to the high rate of illiteracy among women and, in connection with compulsory education, whether parents did not permit their sons to go to school or that applied only to daughters, and what the distribution of boys and girls was between the private and public schools.

64. Ms. LAIOU-ANTONIOU asked whether education was completely compulsory and what the travelling women's courses (CEDAW/C/5/Add.46, p. 9) consisted of. She asked whether there had been changes in the stereotypes contained in school textbooks and why the illiteracy rate was declining for men but rising for women.

65. Ms. ALFONSIN DE FASAN emphasized the importance of educational programmes in changing the stereotypes appearing in textbooks, and asked whether there was any programme to encourage women to take up non-traditional careers and if sex education stressing family planning and responsible parenthood was given in schools so that girls did not marry so early and their child-bearing was spaced out. She also asked whether the spirit of the Convention, which was not aggressive and promoted the sharing of men's and women's functions rather than changing them, was being disseminated.

66. Ms. SAYOGYO asked whether there had been changes in the distribution of students in recent years and whether efforts had been made to correct the great imbalance between men and women.

67. Ms. AKAMATSU expressed surprise at the large number of women pursuing higher education, especially engineering (table 4) and the high percentage of students in mass communications and media (table 5). She asked whether women could find employment in their areas of specialization after graduation.

68. Ms. GONZALEZ-MARTINEZ asked for more information on the great disparity in the illiteracy rates for men and women, whether there was a difference in the literarcy programmes which favoured men and what happened in the case of women belonging to minorities, such as Kurdish women.

69. The CHAIRPERSON, speaking as a member of the Committee, asked for information on the differences between urban and rural literacy rates.

70. Ms. CORTI said, in connection with article 11, that specific information seemed to be lacking on the situation of women in employment. She would like a comparison between the remuneration of women and men and an explanation of why the percentage of family workers without wage (81.2 per cent) was so high. She asked for more information on what workers were referred to under this category and on the figures given for employment in the public sector. She would also point out that no mention had been made of the conditions of part-time work or of emigrant women.

71. Ms. OESER noted that, on page 10 of the report, the percentage of wage-earning women was given as 15.3, and a sharp drop in the proportion of women in the labour force to 36.4 per cent was noted, while on page 11 the proportion of unpaid family workers was given as 81.2 per cent. On which of those figures did the Turkish Government base its assertion on page 12 that the proportion of unemployed women in 1980 was 19.9 per cent?

72. In connection with maternity leave, she asked how many women took advantage of the rights referred to on pages 16 and 17 of the report and whether they had a right to return to work or the labour contract was terminated when they took paid leave.

73. Ms. FENGER-MOLLER, referring to the statement in the report that there was no discrimination with respect to employment, asked how Turkey had achieved something that had not yet been attained in other countries. In connection with the principle of equal pay for equal work, she asked whether that principle was guaranteed in the public or private sectors by legislation or collective contracts. Whatever the case, Turkey would constitute the only place in the world in which the principle was applied.

74. Ms. LAIOU-ANTONIOU noted that the figures given in the report were contradictory and asked for information on the overall unemployment rate and the rate for women in particular. She asked whether the principle of equal pay for equal work was guaranteed by law or by other means. She also asked for information on the number of rural women working in family enterprises without pay or social benefits and the number of women working in family enterprises relating to tourism, such as hotels and restaurants, and whether there were laws for the protection of those women.

75. She also asked whether fathers had a right to paid paternity leave, whether sexual harassment in the work place existed, and, if so, how that problem was dealt with. She would also like information on the voluntary insurance of housewives referred to on page 20 of the report.

76. Ms. ALFONSIN DE FASAN asked if there was a reluctance to employ women because of the regulations concerning nurseries and whether, if the work place of the woman had no nursery, the child had access to the nursery of the enterprise in which the husband was employed. She also asked whether any training programme existed for women returning to their employment, whether women were adequately represented in the trade unions, and whether a husband's complaint that the wife was working without his consent constituted grounds for divorce.

77. Ms. SAYOGYO asked what happened in the case of family agricultural enterprises when the husband emigrated to the cities and whether it was the husband who had the privilege of making decisions.

78. Ms. AKAMATSU said that the action taken to ensure equality of opportunity for women in access to employment, promotion, etc., seemed inadequate and asked whether Turkish legislation had been adapted to the text of article 11 (a), (b) and (c) of the Convention.

79. Ms. ILIĆ noted that the report was vague with respect to some unspecified rights and asked whether women had the opportunity for training and if so whether they had the same opportunities as men. The report referred to general education, but not to training or vocational training for young people; however, the number of women engaged in handicrafts was strikingly large. The information on working conditions was also vague. No reference was made to unmarried women. She asked why such an early retirement age for women, which was inappropriate to modern times, had been established. It was almost inconceivable that women should retire at 35, when they were at the height of their powers. She asked for more information on the right to employment and said it would be helpful if a clearer picture of the status of Turkish women were provided. It was important to know what measures the Turkish Government was taking with the countries of emigration in order to improve the situation of migrant women workers.

80. Ms. GONZALEZ MARTINEZ asked what the Turkish Government was doing to encourage women to take training courses or what women had to do in order to be enrolled in such courses.

81. Ms. SCHOPP-SCHILLING asked what percentage of the population, particularly women, was not covered by social security or the health system and whether women were not automatically covered by social security. With regard to the possibility of housewives being covered by social security from the age of 15, she asked what percentage of women took advantage of that right. She asked whether, in the case of repatriated women still of working age who had received training abroad and knew other languages, the Government had any programmes for providing employment for them and enabling them to contribute to the country's economy.

82. Ms. LAIOU-ANTONIOU, referring to article 12 of the Convention, asked how abortion worked in practice, what happened afterwards and how many family planning centres there were in Turkey. She also asked what the percentage of rapes was and whether there was any legislation that dealt with that subject. She asked whether there were shelters for abused women and whether there were any laws which characterized that offence.

83. Ms. BUSTELO GARCIA DEL REAL said that the report did not provide any data on instances of violence or abuse directed against women and asked whether those subjects were discussed publicly in Turkey.

84. Ms. NOVIKOVA was interested in the revision of the retirement system for civil servants and asked what had led to the adoption of that measure as well as the establishment of a theoretical retirement age of 33 in 1981. She wondered whether, legally speaking, that law had become a dead letter and, in any case, what percentage of women had availed themselves of that entitlement since it was approved in 1981.

85. Ms. FENGER-MOLLER asked the representative of Turkey to clarify what her country was doing to implement article 13 of the Convention with regard to women's opportunities for obtaining bank loans, mortgages and other forms of credit. The report did not present adequate information on that subject, and she wished to know whether there was any difference between men's and women's rights in that regard.

86. Ms. PILATAXI DE ARENAS, referring to article 14, asked for demographic data, particularly on the number of births in recent years, in order to measure the success of family planning programmes being implemented in Turkey.

87. Ms. WALLA-TCHANGAI said that her questions had been asked by the previous speaker.

88. Ms. CORTI said that Turkey continued to be an essentially agricultural society, yet the report paid little attention to women working in the countryside. She wished to know what percentage of women worked in the agricultural sector and what rights they had, what was being done to make rural women literate and what benefits they enjoyed She also wished to know what kind of social security scheme existed for rural areas and whether that scheme covered all agricultural workers, including women who were self-employed in family businesses.

89. Ms. SAYOGYO said that efforts to organize the agricultural sector had reduced the labour force, including unpaid family members. Consequently, she wished to know what measures the Government was taking to help unemployed rural women and what resources were being allocated for extension activities dealing with their situation.

90. The CHAIRPERSON, speaking as a member of the Committee, said that the data given to the Committee indicated that there were 5 million women unpaid family workers in Turkey, as compared with 2 million men in the same situation, and that many of those women were involved in carpet-weaving. She wished to know how many women were involved in that activity and what benefits they received, either in the form of payments or social security benefits, and what percentage of rural family incomes was derived from carpet-weaving. She also wanted to know the age at which women took up that activity and whether it interfered with their education. She agreed that it would be useful to have more information about the situation in rural areas.

91. Ms. PILATAXI DE ARENAS referred to articles 15 and 16 together because she felt that women's rights under both articles had not been respected where the granting of work permits, a married woman's domicile, family guardianship in the event of a dispute between husband and wife, and married women's names were

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concerned. Such cases of discrimination were alarming precisely because they corresponded to the reservations formulated by the Turkish Government. While the fact that the Government was considering withdrawing those reservations was positive, it was disturbing that that might be done on the basis of technical considerations, since the withdrawal of reservations could only be based on substantive considerations.

92. Ms. FENGER-MOLLER drew attention to paragraph 26 of the second part of the report, in which a reference was made to article 159 of the Turkish Civil Law, according to which a married woman needed her husband's consent to work or engage in a profession, a situation which contradicted the provisions of article 15 of the Convention. In addition, paragraph 28 of the document in question stated that "in point of relationship between husband and wife there is perhaps some disparity, but this should not be exaggerated." She had difficulty understanding the meaning of that statement as well as the provisions which stipulated that the husband was the head of the family, and that he had responsibility for choosing the family's domicile and supporting his wife and children in a degree commensurate with his means, which could be construed as a moral obligation but did not constitute an obligation per se. She wished to have more information on that subject.

93. Ms. AKAMATSU said that article 15, paragraph 4, of the Convention accorded women equal rights with regard to choice of domicile and family residence, yet Turkish law contradicted what was set out in the Convention. It would be desirable for the Turkish Government to amend the laws in question.

94. Ms. FORDE said she wished to have detailed information on the new provisions of the Civil Law, particularly those pertaining to the family, including de facto families.

95. Ms. GONZALEZ-MARTINEZ said that the reservations concerning articles 15 and 16 prevented women's exercise of their legal capacity before the law, which ran counter to the very purpose of the Convention. The report indicated that the Turkish Government justified its reservation on the basis of article 152 of the Civil Law and that the choice of a couple's domicile was made by the husband. In connection with that provision, she wished to know whether married women had the right to travel within Turkey or abroad, or whether they needed the authorization of their husbands or a judge; likewise, she wished to know whether single women required the authorization of their father or a brother to travel.

96. Ms. DIALLO SOUMARE asked for information about the family planning options available to Turkish women and wished to know whether women could plan their families freely or whether they had to have their husband's authorization. Also, she wished to know how estates were divided between men and women.

97. Ms. AKAMATSU said that, with regard to article 16 of the Convention, it would be helpful if the law requiring that wives should take their husband's name, currently under review, could be modified along with the relevant legislation so that the reservation to that article could be withdrawn.

98. Ms. BERNARD asked what the causes of divorce were and whether they were the same for men and women; she also wished to know the incidence of divorce in Turkey.

99. The CHAIRPERSON, speaking as a member of the Committee, asked whether Turkey had set specific targets in the areas of education, health, employment and women's participation in politics.

The meeting rose at 6 p.m.